

ENCOURAGING THE U.S. GOVERNMENT TO ACTIVELY SUPPORT
THE DEMOCRATIC POLITICAL AND SOCIAL FORCES IN NICA-
RAGUA; URGING THE SECRETARY TO COORDINATE WITH
OTHER GOVERNMENTAL AGENCIES AND NGOS IN CREATING
AN ONLINE DATABASE OF INTERNATIONAL EXCHANGE PRO-
GRAMS AND RELATED OPPORTUNITIES; CONGRATULATING
ISRAEL ON THE ELECTION OF AMBASSADOR DAN GILLERMAN
AS VICE-PRESIDENT OF THE 60TH UN GENERAL ASSEMBLY;
RECOGNIZING THE COMMENCEMENT OF RAMADAN AND COM-
MENDING MUSLIMS FOR THEIR FAITH; AND THE TRAFFICKING
VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

MARKUP

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

**H. Con. Res. 252, H. Res. 192, H. Res. 368,
H. Res. 472 and H.R. 972**

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ENCOURAGING THE U.S. GOVERNMENT TO ACTIVELY SUPPORT THE DEMOCRATIC POLITICAL AND SOCIAL FORCES IN NICARAGUA; URGING THE SECRETARY TO COORDINATE WITH OTHER GOVERNMENTAL AGENCIES AND NGOS IN CREATING AN ONLINE DATABASE OF INTERNATIONAL EXCHANGE PROGRAMS AND RELATED OPPORTUNITIES; CONGRATULATING ISRAEL ON THE ELECTION OF AMBASSADOR DAN GILLERMAN AS VICE-PRESIDENT OF THE 60TH UN GENERAL ASSEMBLY; RECOGNIZING THE COMMENCEMENT OF RAMADAN AND COMMENDING MUSLIMS FOR THEIR FAITH; AND THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

FRIDAY, OCTOBER 7, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 11:21 a.m. in room 2172, Rayburn House Office Building, Hon. Henry Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. The business meeting of the Committee will come to order.

We have four noncontroversial bills on the agenda, and it is my intention to consider these measures en bloc and by unanimous consent authorize the Chair to seek consideration of the bills under suspension of the rules. All Members are given leave to insert remarks on the measures into the record should they choose to do so.

Accordingly, without objection, the Chairman is authorized to seek consideration of the following bills under suspension of the rules, and the amendments to those measures, which the Members have before them, shall be deemed adopted.

H. Con. Res. 252, Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country, as amended.

[The resolution and amendment referred to follow:]

109TH CONGRESS
1ST SESSION

H. CON. RES. 252

Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. BURTON of Indiana (for himself, Mr. MENENDEZ, Ms. HARRIS, Mr. WELLER, Ms. ROS-LEHTINEN, Mr. MACK, and Mr. ROHRABACHER) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country.

Whereas the United States is strongly committed to promoting freedom, democracy, and the rule of law;

Whereas the Charter of the Organization of American States, of which the United States and Nicaragua are Member States, stipulates that “[t]he peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it”;

Whereas after experiencing a quarter century ago a revolution, loss of personal liberties, destruction of property, and economic instability, the people of Nicaragua are building a democratic form of government;

Whereas jailed ex-President Arnaldo Aleman and Sandinista Liberation Front (FSLN) leader Daniel Ortega have entered into an agreement widely known throughout Nicaragua as the “Pact”, to control the National Assembly in order to exploit its legislative powers to undermine the Nicaraguan Constitution, the Presidency of Enrique Bolanos, and all institutions of representative democratic governance;

Whereas Pactist politicians currently control and dominate the Supreme Court, the Electoral Council, the Comptroller’s office, and the Human Rights ombudsman’s office; and

Whereas polls indicate that an overwhelming percentage of Nicaraguans oppose the Aleman-Ortega Pact, and tens of thousands of Nicaraguans took to the streets in the past year to call for an end to the Pact: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That—*

3 (1) Congress—

4 (A) strongly condemns the Aleman-Ortega
5 Pact as detrimental to democracy in the Repub-
6 lic of Nicaragua, the future of democracy in
7 Nicaragua, and the stability of the entire re-
8 gion;

1 (B) strongly condemns constitutional re-
 2 forms passed by the Pact-controlled National
 3 Assembly that stripped important executive
 4 branch authorities from the Nicaraguan presi-
 5 dency;

6 (C) strongly condemns the Pact-controlled
 7 National Assembly's actions to stack the Nica-
 8 raguan Supreme Court with Pact loyalists,
 9 some of whom have had their United States
 10 visas revoked on the ground of corruption;

11 (D) strongly condemns the Pact-controlled
 12 National Assembly's efforts to remove demo-
 13 cratically-elected President Enrique Bolanos on
 14 dubious legal grounds;

15 (E) strongly condemns the Pact-controlled
 16 National Assembly's attempts to remove from
 17 office senior officials of the executive branch on
 18 dubious legal grounds; and

19 (F) supports the efforts of Nicaraguan
 20 democratic civil society to create the necessary
 21 conditions for free and fair elections; and

22 (2) it is the sense of Congress that—

23 (A) it should be the policy of the United
 24 States to actively support the aspirations of the
 25 democratic political forces in Nicaragua for a

1 full restoration of democracy and the rule of
 2 law in Nicaragua, headed by leaders who are
 3 committed to democracy and who deserve the
 4 trust of the Nicaraguan people;

5 (B) it should be the policy of the United
 6 States to work with the international commu-
 7 nity, including the Organization of American
 8 States, to assist democratic forces in Nicaragua
 9 to restore full democracy to their country;

10 (C) it should be the policy of the United
 11 States to oppose all political elements that con-
 12 tinue to subvert Nicaraguan democracy;

13 (D) it is critical that the 2006 elections in
 14 Nicaragua are free and fair and provide the
 15 winner of the election a clear mandate to gov-
 16 ern the country; and

17 (E) the President of the United States,
 18 acting through the Administrator of the United
 19 States Agency for International Development,
 20 should provide assistance grants to nongovern-
 21 mental organizations in support of President
 22 Bolanos' call for the international community to
 23 assist in and monitor the 2006 election process
 24 in order to ensure the integrity of the process.

○

AMENDMENT TO H. CON. RES. 252
OFFERED BY MR. BURTON OF INDIANA

Strike the preamble and insert the following:

Whereas the United States is strongly committed to promoting freedom, democracy, and the rule of law;

Whereas the Democratic Charter of the Organization of American States, of which the United States and the Republic of Nicaragua are Member States, stipulates that “[t]he peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it”;

Whereas, after experiencing a quarter century ago a revolution, loss of personal liberties, destruction of property, and economic instability, the people of Nicaragua are building a democratic form of government;

Whereas in November 2001, approximately 90 percent of voters in Nicaragua turned out to vote, and a clear majority elected Enrique Bolaños Geyer to be their next President;

Whereas international observers, including representatives from the Carter Center and the Organization of American States, monitored the Nicaraguan elections of November 2001 and determined that the elections met minimum international standards and that the outcome reflected the will of the Nicaraguan people;

Whereas ex-President Arnaldo Aleman and Sandinista Liberation Front (FSLN) leader Daniel Ortega have entered into an agreement widely known throughout Nicaragua as the “Pact”, to control the National Assembly in order to exploit its legislative powers to undermine the Nica-

raguan Constitution, the Presidency of Enrique Bolaños Geyer, and all institutions of representative democratic governance;

Whereas in December 2003, Arnoldo Aleman was convicted of fraud, misappropriation of public funds, embezzlement, and criminal association and sentenced by a Nicaraguan court to 20 years imprisonment, but a Pactist court order extended his confinement from his ranch to the city of Managua;

Whereas Arnoldo Aleman and Daniel Ortega, to a large extent as a result of the Pact, wield near total control over the National Assembly, the Supreme Court, the Electoral Council, the Comptroller's Office, and the Human Rights Ombudsman's Office;

Whereas polls indicate that an overwhelming percentage of Nicaraguans oppose the Aleman-Ortega Pact, and tens of thousands of Nicaraguans took to the streets in the past year to call for an end to the Pact;

Whereas in September 2005 the Secretary General of the Organization of American States warned that the actions of the Nicaraguan National Assembly to strip President Bolaños Geyer's ministers and other senior government officials of their immunity is creating circumstances that inevitably will make the country ungovernable and generate endless conflict; and

Whereas, with regard to the most recent encroachment by the National Assembly through the operation of the Aleman-Ortega Pact on the privileges of the Nicaraguan executive branch, the Organization of American States urged, in the strongest possible terms, that "the parties concerned enter into a broad and constructive dialogue, free of pres-

sures and threats” and that the parties “respect the mandate freely conferred upon President Enrique Bolaños Geyer and the other elected officials by the Nicaraguan people”: Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 That—

2 (1) Congress—

3 (A) strongly condemns the Aleman-Ortega
4 Pact as detrimental to democracy in the Repub-
5 lic of Nicaragua, the future of democracy in
6 Nicaragua, and the stability of the entire re-
7 gion;

8 (B) strongly condemns constitutional re-
9 forms passed by the Pact-controlled National
10 Assembly that stripped important executive
11 branch authorities from the Nicaraguan presi-
12 dency, such as the prerogative to appoint min-
13 isters;

14 (C) strongly condemns the Pact-controlled
15 National Assembly’s actions to stack the Nica-
16 raguan Supreme Court with Pact loyalists,
17 some of whom have had their United States
18 visas revoked on the ground of corruption;

1 (D) strongly condemns the Pact-controlled
2 National Assembly's efforts to remove demo-
3 cratically elected President Enrique Bolaños
4 Geyer on dubious legal grounds;

5 (E) strongly condemns the Pact-controlled
6 National Assembly's attempts to remove from
7 office senior officials of the executive branch on
8 dubious legal grounds; and

9 (F) supports the efforts of Nicaraguan
10 democratic civil society to create the necessary
11 conditions for free and fair elections; and

12 (2) it is the sense of Congress that—

13 (A) it should be the policy of the United
14 States to actively support the aspirations of the
15 democratic political forces in Nicaragua for a
16 full restoration of democracy and the rule of
17 law in Nicaragua, headed by leaders who are
18 committed to democracy and who deserve the
19 trust of the Nicaraguan people;

20 (B) it should be the policy of the United
21 States to work with the international commu-
22 nity, including the Organization of American
23 States, to assist democratic political forces in
24 Nicaragua to restore full democracy to their
25 country;

1 (C) it should be the policy of the United
2 States to work through the Organization of
3 American States and other regional and inter-
4 national organizations to encourage political ele-
5 ments within Nicaragua to preserve, protect,
6 and defend the letter and spirit of that coun-
7 try's constitution instead of undermining the te-
8 nets, institutions, and processes of a true de-
9 mocracy;

10 (D) it is critical that the 2006 elections in
11 Nicaragua be free and fair and provide the win-
12 ner of the election a clear mandate to govern
13 the country; and

14 (E) the President of the United States,
15 acting through the Administrator of the United
16 States Agency for International Development,
17 should provide assistance grants to nongovern-
18 mental organizations on a nonpartisan basis in
19 the United States and Nicaragua for the sole
20 purpose of ensuring the integrity of the elec-
21 toral process in response to President Bolaños
22 Geyer's call for international assistance and
23 monitoring of the 2006 elections, and should
24 ensure that the details of such grants are made

1 public on a timely basis to promote trans-
2 parency and accountability.

Chairman HYDE. H. Res. 192, Expressing the sense of the House of Representatives encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities, as amended.

[The resolution and amendment referred to follow:]

109TH CONGRESS
1ST SESSION

H. RES. 192

Expressing the sense of the House of Representatives encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2005

Mr. MCGOVERN submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing the sense of the House of Representatives encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities.

Whereas the United States needs to do a better job of building personal and institutional relationships with peoples and Nations around the world in order to combat the rise in anti-American sentiment that many polls and studies have reported;

Whereas a broad bipartisan consensus in favor of strengthening United States public diplomacy emerged during 2003 in Congress and was expressed in various reports, including reports of the Council on Foreign Relations, the General Accounting Office, the Advisory Commission on Public Diplomacy, the Heritage Foundation, and the Advisory Group on Public Diplomacy for the Arab and Muslim World;

Whereas, in July 2004, the National Commission on Terrorist Attacks Upon the United States released its final report on United States intelligence, which determined that “[j]ust as we did in the Cold War, we need to defend our ideals abroad vigorously. America does stand up for its values . . . If the United States does not act aggressively to define itself in the Islamic World, the extremists will gladly do the job for us.”;

Whereas the National Intelligence Reform Act of 2004 declares the sense of Congress that the United States should commit to a long-term and significant investment in promoting people-to-people engagement with all levels of society in other countries;

Whereas international exchange programs, which have assisted in extending American influence around the world by educating the world’s leaders, have suffered from a decline in funding and policy priority;

Whereas, when students are instructed in their civic and community responsibilities during secondary education, the importance of their participation in global affairs should be underscored as well;

Whereas there are hundreds of well-established organizations in the United States that implement educational and professional exchanges, international volunteering, and related programs, and the efforts of those organizations could readily be expanded to reach out to more Americans: Now, therefore, be it

6 SEC. 2. It is the sense of the House of Representa-
7 tives that—

1 (1) the Secretary of State should coordinate
2 with implementing partners in creating an online
3 database that provides information on how Ameri-
4 cans can take advantage of—

5 (A) international exchange programs of the
6 Department of State, the Department of Edu-
7 cation, and other Federal Government and non-
8 government entities;

9 (B) volunteer opportunities with organiza-
10 tions that assist refugees and immigrants in the
11 United States;

12 (C) opportunities to host international stu-
13 dents and professionals in the United States;

14 (D) sister-city organizations in the United
15 States;

16 (E) international fairs and cultural events
17 in the United States; and

18 (F) foreign language learning opportuni-
19 ties;

20 (2) Americans should strive to become more en-
21 gaged in international affairs and more aware of
22 peoples and developments outside the United States;

23 (3) Americans should seize 1 or more opportu-
24 nities toward this end, by such means as—

- 1 (A) participating in a professional or cul-
2 tural exchange;
3 (B) studying abroad;
4 (C) volunteering abroad;
5 (D) working with an immigrant or refugee
6 group;
7 (E) hosting a foreign student or profes-
8 sional;
9 (F) participating in a sister-city program;
10 and
11 (G) learning a foreign language; and
12 (4) Members of Congress should raise the im-
13 portance of international engagement in the districts
14 and States the Members represent.

○

AMENDMENT TO H. RES. 192
OFFERED BY MR. HYDE OF ILLINOIS

Strike the fifth clause in the preamble.

Page 4, beginning line 2, strike “in creating an on-line database that provides” and insert “to make readily accessible”.

Amend the title so as to read: “Resolution expressing the sense of the House of Representatives encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations to encourage active participation in international exchange programs and related opportunities.”.

Chairman HYDE. H. Res. 368, Congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly.
[The resolution referred to follows:]

109TH CONGRESS
1ST SESSION

H. RES. 368

Congratulating the State of Israel on the election of Ambassador Dan
Gillerman as Vice-President of the 60th United Nations General Assembly.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2005

Mr. SCHIFF (for himself and Mr. CHABOT) submitted the following resolution;
which was referred to the Committee on International Relations

RESOLUTION

Congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly.

Whereas the 60th General Assembly of the United Nations will be held in New York City from September through December 2005;

Whereas the United Nations General Assembly is presided over by a President and 21 Vice-Presidents, who are nominated by the General Assembly's five regional groupings;

Whereas prior to 2000, Israel was the only member of the United Nations to be excluded from a United Nations regional grouping;

Whereas this exclusion was the result of the refusal by Arab states to permit Israel to join the Asian group;

Whereas this exclusion prevented Israel from serving as the President of the United Nations General Assembly, or as a member of any bureau in the General Assembly and its main committees;

Whereas in 2000, Israel was accepted as a temporary member of the Western European and Others Group (WEOG), which includes Canada, the United States, Australia, and New Zealand, in addition to the countries of Western Europe, and its temporary membership was extended in 2004;

Whereas on April 21, 2005, the Western Europe and Others Group nominated Israel as a candidate for Vice-President of the 60th United Nations General Assembly;

Whereas on June 13, 2005, the 191 member United Nations General Assembly elected Ambassador Dan Gillerman, Israel's Permanent Representative to the United Nations, as one of 21 Vice-Presidents of the 60th General Assembly;

Whereas Israeli Ambassador Gillerman called the election “a historic moment for Israel”, which had last served as United Nations General Assembly Vice-President in 1952;

Whereas Ambassador Gillerman also said that the election confirms that Israel is “becoming a more active and normal member of the [United Nations]”; and

Whereas United Nations Secretary-General Kofi Annan welcomed Israel's election to the Vice-Presidency of the General Assembly: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

1 (1) congratulates Ambassador Dan Gillerman,
2 Israel's Permanent Representative to the United Na-
3 tions, and the Government and people of the State
4 of Israel on Israel's election as Vice-President of the
5 60th General Assembly of the United Nations;

6 (2) welcomes the nomination by the Western
7 European and Others Group (WEOG) of Israel for
8 the position of Vice-President of the 60th United
9 Nations General Assembly;

10 (3) welcomes the election by the United Nations
11 General Assembly of Israel as Vice-President of the
12 60th General Assembly;

13 (4) supports continued expansion of Israel's
14 role at the United Nations;

15 (5) notes with concern that Israel remains the
16 object of extreme vilification by many members of
17 the United Nations;

18 (6) further notes that Israel remains excluded
19 from the Asian regional grouping within the organi-
20 zation; and

21 (7) calls upon United Nations Secretary-Gen-
22 eral Kofi Annan to work to end the vilification of
23 Israel at the United Nations and to use his good of-

- 1 fices to support Israel's bid to join the Asian re-
- 2 gional grouping.

○

Chairman HYDE. And H. Res. 472, Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith, as amended.

[The resolution and amendment referred to follow:]

109TH CONGRESS
1ST SESSION

H. RES. 472

Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2005

Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEKS of New York, Mr. HONDA, Mr. LANTOS, Mr. CONYERS, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. ROTHMAN, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. DINGELL, Mr. FILNER, Mr. ABERCROMBIE, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. LEE, Mr. FEENEY, Mr. HINCHEY, and Mr. ACKERMAN) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith.

Whereas since the terrorist attacks on the United States on September 11, 2001, threats and incidents of violence have been directed at law-abiding, patriotic Americans of African, Arab, and South Asian descent, particularly members of the Islamic faith;

Whereas on September 14, 2001, the House of Representatives passed a concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of the terrorist attacks in New York, New York, and Washington, D.C.;

Whereas it is estimated that there are approximately 1,500,000,000 Muslims worldwide;

Whereas Ramadan is the holy month of fasting and spiritual renewal for Muslims worldwide, and is the 9th month of the Muslim calendar year; and

Whereas the observance of the Islamic holy month of Ramadan commences at dusk on October 4, 2005, and continues for one lunar month: Now, therefore, be it

1 *Resolved*, That—

2 (1) during this time of conflict, in order to
3 demonstrate solidarity with and support for mem-
4 bers of the community of Islam in the United States
5 and throughout the world, the House of Representa-
6 tives recognizes the Islamic faith as one of the great
7 religions of the world; and

8 (2) in observance of and out of respect for the
9 commencement of Ramadan, the Islamic holy month
10 of fasting and spiritual renewal, the House of Rep-
11 resentatives acknowledges the onset of Ramadan and
12 expresses its deepest respect to Muslims in the

- 1 United States and throughout the world on this sig-
- 2 nificant occasion.



AMENDMENT TO H. RES. 472**OFFERED BY MR. HYDE**

Strike the preamble and insert the following:

Whereas Ramadan is the holy month of fasting and spiritual renewal for Muslims worldwide, when they renew their commitment to lead lives of honesty, integrity, and compassion;

Whereas the month of Ramadan is an appropriate time for the people of the United States to recognize the contributions made to the world and to this Nation by Muslims;

Whereas the month of Ramadan is a particularly appropriate time for the people of the United States who are not Muslims to learn about Islam and to greet their Muslim fellow-citizens and wish them well; and Whereas the observance of the Islamic holy month of Ramadan commenced in the United States at dusk on October 4, 2005, and continues for one lunar month: Now, therefore, be it

Strike all after the resolving clause and insert the following:

- 1 That the House of Representatives acknowledges the
- 2 month of Ramadan and expresses its deepest respect to
- 3 Muslims in the United States and throughout the world
- 4 during this period of fasting and spiritual renewal.

Amend the title so as to read: “Resolution recognizing Ramadan, Islam’s holy month of fasting and spiritual renewal.

Chairman HYDE. Pursuant to notice, I call up the bill, H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005, for purposes of markup. Without objection, the bill may be considered as read and open for amendment at any point.
[The bill referred to follows:]

109TH CONGRESS
1ST SESSION

H. R. 972

To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. PAYNE, Mr. BLUNT, Mr. WOLF, Mr. CARDIN, Ms. ROS-LEHTINEN, Mr. PITTS, Mr. PENCE, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Armed Services, Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trafficking Victims Protection Reauthorization Act of
6 2005”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Prevention of trafficking in persons.
 Sec. 102. Protection of victims of trafficking in persons.
 Sec. 103. Enhancing prosecutions of trafficking offenses.
 Sec. 104. Enhancing United States efforts to combat trafficking in persons.
 Sec. 105. Additional activities to monitor and combat forced labor and child labor.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

Sec. 201. Prevention of domestic trafficking in persons.
 Sec. 202. Establishment of grant program to develop, expand, and strengthen victim service programs for victims of domestic trafficking.
 Sec. 203. Protection of victims of domestic trafficking in persons.
 Sec. 204. Investigation by Federal Bureau of Investigation of acts of domestic trafficking in persons.
 Sec. 205. Enhancing State and local efforts to combat trafficking in persons.
 Sec. 206. Definitions.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Authorizations of appropriations.
 Sec. 302. Investigations by Federal Bureau of Investigations.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) The United States has demonstrated inter-
 6 national leadership in combating human trafficking
 7 and slavery through the enactment of the Traf-
 8 ficking Victims Protection Act of 2000 (division A of
 9 Public Law 106–386; 22 U.S.C. 7101 et seq.) and
 10 the Trafficking Victims Protection Reauthorization
 11 Act of 2003 (Public Law 108–193).

12 (2) The United States Government currently
 13 estimates that 600,000 to 800,000 individuals are

1 trafficked across international borders each year and
2 exploited through forced labor and commercial sex
3 exploitation. An estimated 80 percent of such indi-
4 viduals are women and girls.

5 (3) Since the enactment of the Trafficking Vic-
6 tims Protection Act of 2000, United States efforts
7 to combat trafficking in persons have focused pri-
8 marily on the international trafficking in persons,
9 including the trafficking of foreign citizens into the
10 United States.

11 (4) Trafficking in persons also occurs within
12 the borders of a country, including the United
13 States.

14 (5) An estimated 100,000 to 300,000 children
15 in the United States are at risk for commercial sex-
16 ual exploitation in the United States, including traf-
17 ficking, at any given time.

18 (6) Runaway and homeless children in the
19 United States are highly susceptible to being domes-
20 tically trafficked for commercial sexual exploitation.
21 Every day in the United States, between 1,300,000
22 and 2,800,000 runaway and homeless youth live on
23 the streets. One out of every seven children will run
24 away from home before the age of 18.

1 (7) A comprehensive strategy is needed to pre-
2 vent the victimization of United States citizens and
3 nationals through domestic trafficking.

4 (8) A project by the United Nations Edu-
5 cational, Scientific and Cultural Organization
6 (UNESCO) in Southeast Asia has documented a
7 linkage between the spread of HIV/AIDS and traf-
8 ficking in women and girls. Scant other research or
9 statistical data exists regarding the interconnection
10 between trafficking in persons and HIV/AIDS. Fur-
11 ther research is needed to determine the extent to
12 which trafficking in persons contributes to the
13 spread of HIV/AIDS and to identify strategies to
14 combat this linkage.

15 (9) Following armed conflicts and during hu-
16 manitarian emergencies, indigenous populations face
17 increased security challenges and vulnerabilities
18 which result in myriad forms of violence, including
19 trafficking for sexual and labor exploitation. Foreign
20 policy and foreign aid professionals increasingly rec-
21 ognize the increased activity of human traffickers in
22 post-conflict settings and during humanitarian emer-
23 gencies.

24 (10) There is a need to protect populations in
25 post-conflict settings and humanitarian emergencies

1 from being trafficked for sexual or labor exploi-
2 tation. The efforts of aid agencies to address the
3 protection needs of, among others, internally dis-
4 placed persons and refugees are useful in this re-
5 gard. Nonetheless, there remains a lack of institu-
6 tionalized programs and strategies at the United
7 States Agency for International Development, the
8 Department of State, and the Department of De-
9 fense to combat human trafficking, including
10 through protection and prevention methodologies, in
11 post-conflict environments and during humanitarian
12 emergencies.

13 (11) International and human rights organiza-
14 tions have documented a correlation between inter-
15 national deployments of military and civilian peace-
16 keepers and aid workers and a resulting increase in
17 the number of women and girls trafficked into pros-
18 titution in post-conflict regions.

19 (12) The involvement of employees and contrac-
20 tors of the United States Government and members
21 of the Armed Forces in trafficking in persons, facili-
22 tating the trafficking in persons, or exploiting the
23 victims of trafficking in persons is inconsistent with
24 United States laws and policies and undermines the

1 credibility and mission of United States Government
2 programs in post-conflict regions.

3 (13) Further measures are needed to ensure
4 that United States Government personnel and con-
5 tractors are held accountable for involvement with
6 acts of trafficking in persons, including by expand-
7 ing United States criminal jurisdiction to all United
8 States Government contractors abroad.

9 (14) Communities in the United States are not
10 fully informed about sex offenders who are residing
11 or working within those communities because offend-
12 ers who are convicted in a foreign court of a sexually
13 violent offense, or a criminal offense against a child
14 victim, are not currently encompassed by the Jacob
15 Wetterling Crimes Against Children and Sexually
16 Violent Offender Registration Program carried out
17 under section 170101 of the Violent Crime Control
18 and Law Enforcement Act of 1994 (42 U.S.C.
19 14701), as amended by Megan’s Law (Public Law
20 104–145;110 Stat. 1345).

1 **TITLE I—COMBATting INTER-**
2 **NATIONAL TRAFFICKING IN**
3 **PERSONS**

4 **SEC. 101. PREVENTION OF TRAFFICKING IN PERSONS.**

5 (a) PREVENTION OF TRAFFICKING IN CONJUNCTION
6 WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY
7 ASSISTANCE.—

8 (1) AMENDMENT.—Section 106 of the Traf-
9 ficking Victims Protection Act of 2000 (22 U.S.C.
10 7104) is amended by adding at the end the following
11 new subsection:

12 “(h) PREVENTION OF TRAFFICKING IN CONJUNC-
13 TION WITH POST-CONFLICT AND HUMANITARIAN EMER-
14 GENCY ASSISTANCE.—The United States Agency for
15 International Development, the Department of State, and
16 the Department of Defense shall incorporate anti-traf-
17 ficking and protection measures for vulnerable popu-
18 lations, particularly women and children, into their post-
19 conflict and humanitarian emergency assistance and pro-
20 gram activities.”.

21 (2) STUDY AND REPORT.—

22 (A) STUDY.—

23 (i) IN GENERAL.—The Secretary of
24 State and the Administrator of the United
25 States Agency for International Develop-

1 ment, in consultation with the Secretary of
2 Defense, shall conduct a study regarding
3 the threat and practice of trafficking in
4 persons generated by post-conflict and hu-
5 manitarian emergencies in foreign coun-
6 tries.

7 (ii) FACTORS.—In carrying out the
8 study, the Secretary of State and the Ad-
9 ministrator of the United States Agency
10 for International Development shall
11 examine—

12 (I) the vulnerabilities to human
13 trafficking of commonly affected pop-
14 ulations, particularly women and chil-
15 dren, generated by post-conflict and
16 humanitarian emergencies;

17 (II) the various forms of traf-
18 ficking in persons, both internal and
19 trans-border, including both sexual
20 and labor exploitation;

21 (III) a collection of best practices
22 implemented to date to combat human
23 trafficking in such areas; and

24 (IV) proposed recommendations
25 to better combat trafficking in per-

1 sons in conjunction with post-conflict
2 reconstruction and humanitarian
3 emergencies assistance.

4 (B) REPORT.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 Secretary of State and the Administrator of the
7 United States Agency for International Devel-
8 opment shall submit to the Committee on Inter-
9 national Relations of the House of Representa-
10 tives and the Committee on Foreign Relations
11 of the Senate a report that contains—

12 (i) the results of the study conducted
13 pursuant to subparagraph (A); and

14 (ii) specific recommendations to com-
15 bat trafficking in persons by departments
16 and agencies of the United States Govern-
17 ment that are responsible for post-conflict
18 and humanitarian emergency strategy and
19 assistance programs, including the Office
20 of Transition Initiatives and the Office of
21 Foreign Disaster Assistance of the United
22 States Agency for International Develop-
23 ment, the Office of the Coordinator for Re-
24 construction and Stabilization and the Bu-
25 reau of Population, Refugees, and Migra-

1 tion of the Department of State, and rel-
2 evant Department of Defense entities that
3 are carrying out or assisting in the conduct
4 of such programs.

5 (3) IMPLEMENTATION OF RECOMMENDA-
6 TIONS.—To the maximum extent practicable and in
7 consultation with the congressional committees spec-
8 ified in paragraph (2)(B), the Administrator of the
9 United States Agency for International Develop-
10 ment, the Secretary of State, the Secretary of De-
11 fense, and the heads of other relevant departments
12 and agencies of the United States Government shall
13 take such actions as are necessary to implement the
14 recommendations contained in the report under
15 paragraph (2)(B)(ii) as soon as practicable after the
16 date of the submission of the report.

17 (b) EXTENSION OF SEXUALLY VIOLENT OFFENDER
18 REGISTRATION PROGRAM TO FOREIGN OFFENSES.—

19 (1) IN GENERAL.—Subsection (b)(7) of section
20 170101 of the Violent Crime Control and Law En-
21 forcement Act of 1994 (42 U.S.C. 14071) is
22 amended—

23 (A) in the matter preceding subparagraph
24 (A) by striking “convicted in another State”

1 and inserting “convicted outside that State”;
2 and
3 (B) in subparagraph (A) by inserting after
4 “convicted in another State,” the following:
5 “convicted of a foreign offense.”.

6 (2) GUIDELINES; IMPLEMENTATION BY
7 STATES.—Not later than one year after the date of
8 the enactment of this Act, the Attorney General
9 shall issue revised guidelines to implement the
10 amendments made by paragraph (1). For purposes
11 of subsection (g) of such section 170101, a State
12 shall have until two years from the date on which
13 the Attorney General issues revised guidelines pursu-
14 ant to the preceding sentence to implement the
15 amendments made by paragraph (1).

16 **SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN**
17 **PERSONS.**

18 (a) ACCESS TO INFORMATION.—Section 107(c)(2) of
19 the Trafficking Victims Protection Act of 2000 (22 U.S.C.
20 7105(c)(2)) is amended by adding at the end the following
21 new sentence: “To the extent practicable, victims of severe
22 forms of trafficking shall have access to information about
23 federally funded or administered anti-trafficking programs
24 that provide services to victims of severe forms of traf-
25 ficking.”.

1 (b) ESTABLISHMENT OF GUARDIAN AD LITEM PRO-
2 GRAM.—Section 462(b) of the Homeland Security Act of
3 2002 (6 U.S.C. 279(b)) is amended by adding at the end
4 the following new paragraph:

5 “(4) APPOINTMENT OF GUARDIAN AD LITEM
6 FOR CHILD VICTIM OF TRAFFICKING.—

7 “(A) IN GENERAL.—If the Director of the
8 Office of Refugee Resettlement has reason to
9 believe that an unaccompanied alien child is a
10 victim of a severe form of trafficking in persons
11 (as defined in section 107(b)(1)(C)(ii)(I) of the
12 Trafficking Victims Protection Act of 2000 (22
13 U.S.C. 7105(b)(1)(C)(ii)(I))), the Director may
14 appoint a guardian ad litem who meets the
15 qualifications described in subparagraph (B) for
16 the child. The Director is encouraged, wherever
17 practicable, to arrange with a nongovernmental
18 organization for the selection of an individual to
19 be appointed as a guardian ad litem under this
20 paragraph.

21 “(B) QUALIFICATIONS OF GUARDIAN AD
22 LITEM.—No person shall serve as a guardian
23 ad litem under this paragraph unless the
24 person—

1 “(i) is a child welfare professional or
2 other individual who has received training
3 in child welfare matters; and

4 “(ii) has received training on the na-
5 ture of problems encountered by victims of
6 trafficking.

7 “(C) DUTIES.—The guardian ad litem
8 shall take such steps as may be necessary to in-
9 vestigate and report to the Director of the Of-
10 fice of Refugee Resettlement as to whether an
11 unaccompanied alien child is a victim of traf-
12 ficking. The guardian ad litem shall—

13 “(i) conduct interviews with the child
14 in a manner that is appropriate, taking
15 into account the child’s age;

16 “(ii) investigate the facts and cir-
17 cumstances relevant to such child’s pres-
18 ence in the United States, including facts
19 and circumstances arising in the country of
20 the child’s nationality or last habitual resi-
21 dence and facts and circumstances arising
22 subsequent to the child’s departure from
23 such country;

24 “(iii) work with counsel, if the child is
25 represented by counsel, to identify the

1 child's eligibility for relief from removal or
2 voluntary departure by sharing with coun-
3 sel information collected under clause (ii);

4 “(iv) develop recommendations on
5 issues relative to the child's custody, deten-
6 tion, release, and repatriation;

7 “(v) take reasonable steps to ensure
8 that the best interests of the child are pro-
9 moted while the child participates in, or is
10 subject to, proceedings or matters under
11 the Immigration and Nationality Act (8
12 U.S.C. 1101 et seq.); and

13 “(vi) take reasonable steps to ensure
14 that the child understands the nature of
15 the legal proceedings or matters and deter-
16 minations made by the court, and ensure
17 that all information is conveyed in an age-
18 appropriate manner.

19 “(D) DETERMINATION OF ELIGIBILITY
20 FOR BENEFITS AND SERVICES.—The Director
21 of the Office of Refugee Resettlement shall con-
22 sider the report provided by the guardian ad
23 litem in determining whether an alien child is
24 a victim of a severe form of trafficking in per-
25 sons eligible for services pursuant to section

1 107(b)(1)(A) of the Trafficking Victims Protec-
2 tion Act of 2000 (22 U.S.C. 7105(b)(1)(A)).

3 “(E) TERMINATION OF APPOINTMENT.—
4 The guardian ad litem shall carry out the du-
5 ties described in subparagraph (C) until one of
6 the following occurs:

7 “(i) Such duties are completed.

8 “(ii) The child departs the United
9 States.

10 “(iii) The child is granted permanent
11 resident status in the United States;

12 “(iv) The child attains the age of 18.

13 “(v) The child is placed in the custody
14 of a parent, legal guardian, or licensed
15 child welfare agency.

16 “(F) POWERS.—The guardian ad litem—

17 “(i) shall have reasonable access to
18 the child, including access while such child
19 is being held in detention, in the care of a
20 foster family, or in any other temporary
21 living arrangement;

22 “(ii) shall be permitted to review all
23 records and information relating to such
24 proceedings that are not deemed privileged
25 or classified;

1 “(iii) may seek independent evalua-
2 tions of the child;

3 “(iv) shall be notified in advance of all
4 hearings or interviews involving the child
5 that are held in connection with pro-
6 ceedings or matters under the Immigration
7 and Nationality Act (8 U.S.C. 1101 et
8 seq.) or in connection with the investiga-
9 tion or prosecution of a severe form of
10 trafficking in persons (as defined in section
11 103 of the Trafficking Victims Protection
12 Act of 2000 (22 U.S.C. 7103)), and shall
13 be given a reasonable opportunity to be
14 present at such hearings or interviews;

15 “(v) shall be permitted to consult with
16 the child during any hearing or interview
17 involving such child; and

18 “(vi) shall be provided at least 24
19 hours advance notice of a transfer of that
20 child to a different placement, absent com-
21 pelling and unusual circumstances war-
22 ranting the transfer of such child prior to
23 notification.

24 “(G) TRAINING.—The Director of the Of-
25 fice for Refugee Resettlement is authorized to

1 provide training for all persons serving as
2 guardians ad litem under this section in the cir-
3 cumstances and conditions that child victims of
4 trafficking face and immigration benefits or
5 other rights under the Trafficking Victims Pro-
6 tection Act of 2000 (22 U.S.C. 7101 et seq.)
7 for which such child might be eligible.

8 “(H) AUTHORIZATION OF APPROPRIA-
9 TIONS.—There are authorized to be appro-
10 priated to the Secretary of Health and Human
11 Services such sums as may be necessary to
12 carry out this paragraph. ”.

13 (c) ACCESS TO COUNSEL.—Section 107(c) of the
14 Trafficking Victims Protection Act of 2000 (22 U.S.C.
15 7105(c)) is amended by adding at the end the following
16 new paragraph:

17 “(5) ACCESS TO COUNSEL.—

18 “(A) ACCESS TO COUNSEL.—Victims of se-
19 vere forms of trafficking, while in the custody
20 of the Federal Government, shall not be denied
21 access to counsel in any proceeding or matter
22 relating to the investigation and prosecution of
23 the act of trafficking involved.

24 “(B) INFORMATION.—Victims of severe
25 forms of trafficking shall receive information

1 about their right to access to counsel under
2 subparagraph (A). To the maximum extent
3 practicable, victims of severe forms of traf-
4 ficking shall receive contact information for
5 nongovernmental organizations that receive
6 funding from the Federal Government to pro-
7 vide counsel or other assistance to victims of
8 trafficking.”.

9 (d) ESTABLISHMENT OF PILOT PROGRAM FOR RESI-
10 DENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF
11 TRAFFICKING.—

12 (1) STUDY.—

13 (A) IN GENERAL.—Not later than 180
14 days after the date of the enactment of this
15 Act, the Administrator of the United States
16 Agency for International Development shall
17 carry out a study to identify best practices for
18 the rehabilitation of victims of trafficking in
19 group residential facilities in foreign countries.

20 (B) FACTORS.—In carrying out the study
21 under subparagraph (A), the Administrator
22 shall—

23 (i) investigate factors relating to the
24 rehabilitation of victims of trafficking in
25 group residential facilities, such as the ap-

1 appropriate size of such facilities, services to
2 be provided, length of stay, and cost; and
3 (ii) give consideration to ensure the
4 safety and security of victims of traf-
5 ficking, provide alternative sources of in-
6 come for such victims, assess and provide
7 for the educational needs of such victims,
8 including literacy, and assess the psycho-
9 logical needs of such victims and provide
10 professional counseling, as appropriate.

11 (2) PILOT PROGRAM.—Upon completion of the
12 study carried out pursuant to paragraph (1), the
13 Administrator of the United States Agency for
14 International Development shall establish and carry
15 out a pilot program to establish residential treat-
16 ment facilities in foreign countries for victims of
17 trafficking based upon the best practices identified
18 in the study.

19 (3) PURPOSES.—The purposes of the pilot pro-
20 gram established pursuant to paragraph (2) are to—

21 (A) provide benefits and services to victims
22 of trafficking, including shelter, psychological
23 counseling, and assistance in developing inde-
24 pendent living skills;

1 (B) assess the benefits of providing resi-
2 dential treatment facilities for victims of traf-
3 ficking, as well as the most efficient and cost-
4 effective means of providing such facilities; and

5 (C) assess the need for and feasibility of
6 establishing additional residential treatment fa-
7 cilities for victims of trafficking.

8 (4) SELECTION OF SITES.—The Administrator
9 of the United States Agency for International Devel-
10 opment shall select 2 sites at which to operate the
11 pilot program established pursuant to paragraph (2).

12 (5) FORM OF ASSISTANCE.—In order to carry
13 out the responsibilities of this subsection, the Ad-
14 ministrator of the United States Agency for Inter-
15 national Development shall enter into contracts with,
16 or make grants to, nonprofit organizations with rel-
17 evant expertise in the delivery of services to victims
18 of trafficking.

19 (6) REPORT.—Not later than one year after the
20 date on which the first pilot program is established
21 pursuant to paragraph (2), the Administrator of the
22 United States Agency for International Development
23 shall submit to the Committee on International Re-
24 lations of the House of Representatives and the

1 Committee on Foreign Relations of the Senate a re-
2 port on the implementation of this subsection.

3 (7) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the Ad-
5 ministrator of the United States Agency for Inter-
6 national Development to carry out this subsection
7 \$2,500,000 for each of the fiscal years 2006 and
8 2007.

9 **SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING**
10 **OFFENSES.**

11 (a) EXTRATERRITORIAL JURISDICTION OVER FED-
12 ERAL CONTRACTORS.—

13 (1) IN GENERAL.—Part II of title 18, United
14 States Code, is amended by inserting after chapter
15 212 the following new chapter:

16 **“CHAPTER 212A—EXTRATERRITORIAL JU-**
17 **RISDICTION OVER FEDERAL CON-**
18 **TRACTORS**

“Sec.

“3271. Criminal offenses committed by Federal contractors outside the United States.

“3272. Definition.

19 **“§ 3271. Criminal offenses committed by Federal con-**
20 **tractors outside the United States**

21 “(a) Whoever, while an extraterritorial Federal con-
22 tractor, engages in conduct outside the United States that
23 would constitute an offense punishable by imprisonment

1 for more than 1 year if the conduct had been engaged
 2 in within the special maritime and territorial jurisdiction
 3 of the United States shall be punished as provided for that
 4 offense.

5 “(b) No prosecution may be commenced against a
 6 person under this section if a foreign government, in ac-
 7 cordance with jurisdiction recognized by the United
 8 States, has prosecuted or is prosecuting such person for
 9 the conduct constituting such offense, except upon the ap-
 10 proval of the Attorney General or the Deputy Attorney
 11 General (or a person acting in either such capacity), which
 12 function of approval may not be delegated.

13 **“§ 3272. Definition**

14 “As used in this chapter, the term ‘extraterritorial
 15 Federal contractor’ means a person—

16 “(1) employed as a contractor (including a sub-
 17 contractor at any tier), or as an employee of a con-
 18 tractor (or subcontractor at any tier), of any Federal
 19 agency;

20 “(2) present or residing outside the United
 21 States in connection with such employment; and

22 “(3) not a national of or ordinarily resident in
 23 the host nation.”.

24 (2) CLERICAL AMENDMENT.—The table of
 25 chapters at the beginning of such part is amended

1 by inserting after the item relating to chapter 212
 2 the following new item:

“212A. Extraterritorial jurisdiction over Federal contractors 3271”.

3 (b) NEW UCMJ OFFENSES.—

4 (1) IN GENERAL.—Subchapter X of chapter 47
 5 of title 10, United States Code (the Uniform Code
 6 of Military Justice), is amended by inserting after
 7 section 920 (article 120) the following new sections:

8 **“§ 920a. Art. 120a. Sex trafficking**

9 “Any person subject to this chapter who knowingly
 10 recruits, entices, harbors, transports, provides, or obtains
 11 by any means a person, knowing that—

12 “(1) force, fraud, or coercion will be used to
 13 cause that person to engage in a commercial sex act;
 14 or

15 “(2) the person has not attained the age of
 16 eighteen years and will be caused to engage in a
 17 commercial sex act,

18 is guilty of sex trafficking and shall be punished as a
 19 court-martial may direct.

20 **“§ 920b. Art. 120b. Trafficking for labor or services**

21 “Any person subject to this chapter who knowingly
 22 recruits, harbors, transports, provides, or obtains by any
 23 means a person for labor or services—

24 “(1) by threats of serious harm to, or physical
 25 restraint against, that person or another person;

1 “(2) by means of any scheme, plan, or pattern
 2 intended to cause the person to believe that, if the
 3 person did not perform such labor or services, that
 4 person or another person would suffer serious harm
 5 or physical restraint; or

6 “(3) by means of the abuse or threatened abuse
 7 of law or the legal process,
 8 is guilty of trafficking for labor or services and shall be
 9 punished as a court-martial may direct.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
 11 tions at the beginning of such subchapter is amend-
 12 ed by inserting after the item relating to section 920
 13 (article 120) the following new items:

“920a. 120a. Sex trafficking.

“920b. 120b. Trafficking for labor or services.”.

14 (c) LAUNDERING OF MONETARY INSTRUMENTS.—
 15 Section 1956(c)(7)(B) of title 18, United States Code, is
 16 amended—

17 (1) in clause (v), by striking “or” at the end;

18 (2) in clause (vi), by adding “or” at the end;

19 and

20 (3) by adding at the end the following new
 21 clause:

22 “(vii) trafficking in persons, selling or
 23 buying of children, sexual exploitation of
 24 children, or transporting, recruiting or har-

1 boring a person, including a child, for com-
2 mercial sex acts;”.

3 (d) TRANSPORTATION OF MINORS.—Section 2423 of
4 title 18, United States Code, is amended by adding at the
5 end the following new subsection:

6 “(h) ENFORCEMENT AGAINST UNITED STATES CITI-
7 ZENS IN FOREIGN PLACES.—If a United States Govern-
8 ment official attached to a United States Embassy in a
9 foreign place becomes aware of a United States citizen or
10 an alien admitted for permanent residence in the United
11 States who is located in such foreign place and who has
12 traveled in foreign commerce in violation of subsection (a),
13 (b), (c), (d), or (e), the United States Embassy shall notify
14 local law enforcement authorities and shall encourage the
15 prosecution of the individual under applicable local laws
16 or the extradition of the individual to the United States
17 for the purpose of prosecution under this section.”.

18 **SEC. 104. ENHANCING UNITED STATES EFFORTS TO COM-**
19 **BAT TRAFFICKING IN PERSONS.**

20 (a) APPOINTMENT TO INTERAGENCY TASK FORCE
21 TO MONITOR AND COMBAT TRAFFICKING.—Section
22 105(b) of the Trafficking Victims Protection Act of 2000
23 (22 U.S.C. 7103(b)) is amended—

1 (1) by striking “the Director of Central Intel-
2 ligence” and inserting “the Director of National In-
3 telligence”; and

4 (2) by inserting “, the Secretary of Defense, the
5 Secretary of Homeland Security” after “the Director
6 of National Intelligence” (as added by paragraph
7 (1)).

8 (b) REPORTING REQUIREMENT.—Section
9 105(d)(7)(D) of the Trafficking Victims Protection Act of
10 2000 (22 U.S.C. 7103(d)(7)(D)) is amended by adding
11 at the end before the semicolon the following: “, and with
12 respect to each case prosecuted under one or more of these
13 sections, the number of victims of trafficking identified in
14 each case and, of those victims, the number that have been
15 granted continued presence in the United States under
16 section 107(c)(3) or have been granted a visa under sec-
17 tion 101(a)(15)(T)(i) of the Immigration and Nationality
18 Act”.

19 (c) MINIMUM STANDARDS FOR THE ELIMINATION OF
20 TRAFFICKING.—Section 108(b) of the Trafficking Victims
21 Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

22 (1) in paragraph (3), by adding at the end be-
23 fore the period the following: “, measures to reduce
24 the demand for commercial sex acts and for partici-
25 pation in international sex tourism by nationals of

1 the country, measures to ensure that its nationals
2 who are deployed abroad as part of a peacekeeping
3 or other similar mission do not engage in or facili-
4 tate severe forms of trafficking in persons or exploit
5 victims of such trafficking, and measures to prevent
6 the use of forced labor or child labor in violation of
7 international standards”; and

8 (2) in the first sentence of paragraph (7), by
9 striking “persons,” and inserting “persons, including
10 nationals of the country who are deployed abroad as
11 part of a peacekeeping or other similar mission who
12 engage in or facilitate severe forms of trafficking in
13 persons or exploit victims of such trafficking,”.

14 (d) RESEARCH.—Section 112A of the Trafficking
15 Victims Protection Act of 2000 (22 U.S.C. 7109a) is
16 amended—

17 (1) in the first sentence of the matter preceding
18 paragraph (1)—

19 (A) by striking “The President” and in-
20 serting “(a) IN GENERAL.—The President”;
21 and

22 (B) by striking “the Director of Central
23 Intelligence” and inserting “the Director of Na-
24 tional Intelligence”;

1 (2) in paragraph (3), by adding at the end be-
2 fore the period the following: “, particularly HIV/
3 AIDS”;

4 (3) by adding at the end the following new
5 paragraphs:

6 “(4) Subject to subsection (b), the interrelation-
7 ship between trafficking in persons and terrorism,
8 including the use of profits from trafficking in per-
9 sons to finance terrorism.

10 “(5) An effective mechanism for quantifying the
11 number of victims of trafficking on a national, re-
12 gional, and international basis.

13 “(6) The abduction and enslavement of children
14 for use as soldiers, including steps taken to elimi-
15 nate the abduction and enslavement of children for
16 use as soldiers and recommendations for such fur-
17 ther steps as may be necessary to rapidly end the
18 abduction and enslavement of children for use as
19 soldiers.”; and

20 (4) by further adding at the end the following
21 new subsections:

22 “(b) ROLE OF HUMAN SMUGGLING AND TRAF-
23 FICKING CENTER.—The research initiatives described in
24 subsection (a)(4) shall be carried out by the Human
25 Smuggling and Trafficking Center (established pursuant

1 to section 7202 of the Intelligence Reform and Terrorism
2 Prevention Act of 2004 (Public Law 108–458)).

3 “(c) DEFINITIONS.—In this section:

4 “(1) AIDS.—The term ‘AIDS’ means the ac-
5 quired immune deficiency syndrome.

6 “(2) HIV.—The term ‘HIV’ means the human
7 immunodeficiency virus, the pathogen that causes
8 AIDS.

9 “(3) HIV/AIDS.—The term ‘HIV/AIDS’
10 means, with respect to an individual, an individual
11 who is infected with HIV or living with AIDS.”.

12 (e) FOREIGN SERVICE OFFICER TRAINING.—Section
13 708(a) of the Foreign Service Act of 1980 (22 U.S.C.
14 4028(a)) is amended—

15 (1) in the matter preceding paragraph (1), by
16 inserting “, the Director of the Office to Monitor
17 and Combat Trafficking,” after “the International
18 Religious Freedom Act of 1998”;

19 (2) in paragraph (1), by striking “and” at the
20 end;

21 (3) in paragraph (2), by striking the period at
22 the end and inserting “; and”; and

23 (4) by adding at the end the following:

24 “(3) instruction on international documents and
25 United States policy on trafficking in persons, in-

1 including provisions of the Trafficking Victims Protec-
2 tion Act of 2000 (division A of Public Law 106–386;
3 22 U.S.C. 7101 et seq.) which may affect the United
4 States bilateral relationships.”.

5 (f) PREVENTION OF TRAFFICKING BY PEACE-
6 KEEPERS.—

7 (1) INCLUSION IN TRAFFICKING IN PERSONS
8 REPORT.—Section 110(b)(1) of the Trafficking Vic-
9 tims Protection Act of 2000 (22 U.S.C. 7107(b)(1))
10 is amended—

11 (A) in subparagraph (B), by striking
12 “and” at the end;

13 (B) in subparagraph (C), by striking the
14 period at the end and inserting “; and”; and

15 (C) by adding at the end the following new
16 subparagraph:

17 “(D) information on the measures taken
18 by the United Nations, the Organization for Se-
19 curity and Cooperation in Europe, the North
20 Atlantic Treaty Organization and, as appro-
21 priate, other multilateral organizations in which
22 the United States participates, to prevent the
23 involvement of the organization’s employees,
24 contractor personnel, and peacekeeping forces

1 in trafficking in persons or the exploitation of
2 victims of trafficking.”.

3 (2) PREVENTION OF TRAFFICKING IN CONNEC-
4 TION WITH PEACEKEEPING OPERATIONS.—

5 (A) CERTIFICATION BY SECRETARY OF
6 STATE.—At least 15 days prior to voting for or
7 otherwise officially endorsing a new, reauthor-
8 ized, or expanded peacekeeping mission under
9 the auspices of the United Nations, the North
10 Atlantic Treaty Organization, or any other mul-
11 tilateral organization in which the United
12 States participates (or in the case of a peace-
13 keeping mission to respond to an emergency, as
14 far in advance as is practicable), the Secretary
15 of State shall submit to the Committee on
16 International Relations of the House of Rep-
17 resentatives, the Committee on Foreign Rela-
18 tions of the Senate, and any other appropriate
19 congressional committee a certification that
20 contains—

21 (i) a determination that the organiza-
22 tion has taken appropriate measures to
23 prevent the organization’s employees, con-
24 tractor personnel, and peacekeeping forces
25 serving in the peacekeeping mission from

1 trafficking in persons, exploiting victims of
2 trafficking, or committing acts of illegal
3 sexual exploitation and to hold accountable
4 any such individuals who engage in any
5 such acts while participating in the peace-
6 keeping mission; and

7 (ii) a detailed description of each of
8 the measures referred to in clause (i).

9 (B) PROVISION OF UNITED STATES
10 LOGISTICAL SUPPORT.—

11 (i) REQUIREMENT.—The United
12 States may provide logistical support for or
13 deploy personnel, including civilian police,
14 observers, or members of the United States
15 Armed Forces in support of a peace-
16 keeping mission under the auspices of the
17 United Nations, the North Atlantic Treaty
18 Organization, or any other multilateral or-
19 ganization in which the United States par-
20 ticipates only on or after the date on which
21 the Secretary of State submits to a Con-
22 gress a certification described in subpara-
23 graph (A).

24 (ii) EXCEPTION.—Notwithstanding
25 the failure of the Secretary of State to

1 submit a certification pursuant to subpara-
2 graph (A) with respect to a peacekeeping
3 mission described in such subparagraph,
4 support described in clause (i) may be
5 made available for the peacekeeping mis-
6 sion on or after the date on which the Sec-
7 retary of State submits to Congress a let-
8 ter that contains—

9 (I) an explanation as to why the
10 certification required by subparagraph
11 (A) has not been provided;

12 (II) a description of the steps
13 taken by the United States to encour-
14 age the organization to take the ap-
15 propriate measures described in sub-
16 paragraph (A); and

17 (III) a certification that, notwith-
18 standing the failure of the organiza-
19 tion to take the appropriate measures
20 described in subparagraph (A), the
21 Secretary of State has determined
22 that voting for or otherwise officially
23 endorsing the peacekeeping mission is
24 in the national interests of United
25 States.

1 (3) DEPARTMENT OF DEFENSE DIRECTOR OF
2 ANTI-TRAFFICKING POLICIES.—

3 (A) ESTABLISHMENT.—The Secretary of
4 Defense shall designate within the Office of the
5 Secretary of Defense a director of anti-traf-
6 ficking policies. The director shall be respon-
7 sible for overseeing the implementation within
8 the Department of Defense of policies relating
9 to trafficking in persons, including policies of
10 the Department and policies of the Federal
11 Government (including policies contained in Na-
12 tional Security Presidential Directive 22) as
13 they relate to the Department. The Secretary
14 may not assign to the director any responsibil-
15 ities not related to trafficking in persons.

16 (B) DUTIES.—The director designated
17 under subparagraph (A) shall, in consultation
18 with other relevant elements of the
19 Department—

20 (i) ensure that training materials and
21 instructional programs relating to traf-
22 ficking in persons are developed and used
23 by the military departments;

24 (ii) consult regularly with academi-
25 cians, faith-based organizations, multilat-

1 eral organizations, nongovernmental orga-
2 nizations, and others with expertise in
3 combating trafficking in persons, regarding
4 the Department's implementation of poli-
5 cies relating to trafficking in persons;

6 (iii) conduct surveys of members of
7 the Armed Forces and of employees of the
8 Department to assess attitudes and knowl-
9 edge regarding trafficking in persons and
10 use the results of those surveys to develop
11 training materials and instructional pro-
12 grams relating to trafficking in persons;

13 (iv) ensure that trafficking in persons
14 is included as an intelligence requirement
15 in peacekeeping missions that track orga-
16 nized crime;

17 (v) ensure the proper handling of
18 cases in which a member of the Armed
19 Forces or an employee or contractor of the
20 Department is alleged to have engaged in
21 or facilitated an act of trafficking in per-
22 sons and in such cases encourage, as ap-
23 propriate, implementation of chapter 212
24 of title 18, United States Code (commonly
25 referred to as the Military Extraterritorial

1 Jurisdiction Act of 2000) and the Traf-
2 ficking Victims Protection Act of 2000;

3 (vi) ensure that the Department im-
4 plements the commitments relating to traf-
5 ficking in persons agreed to by the United
6 States in the context of the North Atlantic
7 Treaty Organization, the United Nations,
8 and other multilateral organizations, as
9 those commitments relate to the Depart-
10 ment;

11 (vii) establish a mechanism to ensure
12 that neither the Department nor any con-
13 tractor (or subcontractor at any tier) of
14 the Department rehires an employee of
15 such a contractor (or subcontractor) who
16 engaged in a severe form of trafficking in
17 persons while the contract is in effect;

18 (viii) include the subject of trafficking
19 in persons in military-to-military contact
20 programs;

21 (ix) in consultation with the Office of
22 the Inspector General of the Department,
23 investigate links between trafficking in per-
24 sons and deployments of members of the

1 Armed Forces and contractors of the De-
2 partment;

3 (x) consult with contractors of the De-
4 partment on programs to prevent traf-
5 ficking in persons and on accountability
6 structures relating to trafficking in per-
7 sons; and

8 (xi) perform such other related duties
9 as the Secretary may require.

10 (C) RESOURCES.—The director designated
11 under subparagraph (A) shall have sufficient
12 staff and resources to carry out the responsibil-
13 ities and duties described in this paragraph.

14 (D) RANK.—The director designated under
15 subparagraph (A) shall have the rank of assist-
16 ant secretary.

17 (g) FBI INVESTIGATIONS.—From amounts made
18 available to carry out this subsection (including amounts
19 made available pursuant to the authorization of appropri-
20 ations in section 302), the Director of the Federal Bureau
21 of Investigation shall investigate acts of severe forms of
22 trafficking in persons other than domestic trafficking in
23 persons (as defined in section 206).

1 **SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COM-**
2 **BAT FORCED LABOR AND CHILD LABOR.**

3 (a) IN GENERAL.—The Secretary of Labor, acting
4 through the head of the Bureau of International Labor
5 Affairs of the Department of Labor, shall carry out addi-
6 tional activities to monitor and combat forced labor and
7 child labor in foreign countries as described in subsection
8 (b).

9 (b) ADDITIONAL ACTIVITIES DESCRIBED.—The addi-
10 tional activities referred to in subsection (a) are—

11 (1) to monitor the use of forced labor and child
12 labor in violation of international standards;

13 (2) to provide information regarding trafficking
14 in persons for the purpose of forced labor to the Of-
15 fice to Monitor and Combat Trafficking of the De-
16 partment of State for inclusion in trafficking in per-
17 sons report required by section 110(b) of the Traf-
18 ficking Victims Protection Act of 2000 (22 U.S.C.
19 7107(b));

20 (3) to develop and make available to the public
21 a list of goods from countries that the Bureau of
22 International Labor Affairs has reason to believe are
23 produced by forced labor or child labor in violation
24 of international standards;

25 (4) to work with persons who are involved in
26 the production of goods on the list described in para-

1 graph (3) to create a standard set of practices that
 2 will reduce the likelihood that such persons will
 3 produce goods using the labor described in such
 4 paragraph; and

5 (5) to consult with other departments and agen-
 6 cies of the United States Government to reduce
 7 forced and child labor internationally and ensure
 8 that products made by forced labor and child labor
 9 in violation of international standards are not im-
 10 ported into the United States.

11 **TITLE II—COMBATTING DOMES-**
 12 **TIC TRAFFICKING IN PER-**
 13 **SONS**

14 **SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN**
 15 **PERSONS.**

16 (a) PROGRAM TO REDUCE DEMAND FOR COMMER-
 17 CIAL SEX ACTS.—

18 (1) PROGRAM.—The Secretary of Health and
 19 Human Services shall identify best practices to re-
 20 duce the demand for commercial sex acts in the
 21 United States and shall carry out a program to im-
 22 plement such best practices.

23 (2) REPORT.—The Secretary shall prepare and
 24 post on the Internet Web site of the Department of

1 Health and Human Services a report on the best
2 practices identified under paragraph (1).

3 (3) DEFINITIONS.—In this subsection, the term
4 “commercial sex act” has the meaning given the
5 term in section 103(3) of the Trafficking Victims
6 Protection Act of 2000 (22 U.S.C. 7102(3)).

7 (b) TERMINATION OF CERTAIN GRANTS, CON-
8 TRACTS, AND COOPERATIVE AGREEMENTS.—Section
9 106(g) of the Trafficking Victims Protection Act of 2000
10 (22 U.S.C. 7104) is amended—

11 (1) in paragraph (1), by striking “described in
12 paragraph (2)”; and

13 (2) by striking paragraph (2).

14 **SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DE-**
15 **VELOP, EXPAND, AND STRENGTHEN VICTIM**
16 **SERVICE PROGRAMS FOR VICTIMS OF DO-**
17 **MESTIC TRAFFICKING.**

18 (a) GRANT PROGRAM.—Subject to the availability of
19 appropriations, the Secretary of Health and Human Serv-
20 ices may make grants to States, Indian tribes, units of
21 local government, and nonprofit, nongovernmental victims’
22 service organizations to develop, expand, and strengthen
23 victim service programs for victims of domestic trafficking.

24 (b) SELECTION FACTOR.—In selecting among appli-
25 cants for grants under subsection (a), the Secretary shall

1 give priority to applicants with experience in the delivery
2 of services to runaway or homeless youth, including youth
3 who have been subjected to sexual abuse or commercial
4 sexual exploitation, and to applicants who would employ
5 survivors of commercial sexual exploitation as part of their
6 proposed project.

7 (c) LIMITATION ON FEDERAL SHARE.—The Federal
8 share of a grant made under this section may not exceed
9 75 percent of the total costs of the projects described in
10 the application submitted.

11 **SEC. 203. PROTECTION OF VICTIMS OF DOMESTIC TRAF-**
12 **FICKING IN PERSONS.**

13 (a) ESTABLISHMENT OF PILOT PROGRAM.—Not
14 later than 180 days after the date of the enactment of
15 this Act, the Secretary of Health and Human Services
16 shall establish and carry out a pilot program to establish
17 residential treatment facilities in the United States for
18 minor victims of domestic trafficking.

19 (b) PURPOSES.—The purposes of the pilot program
20 established pursuant to subsection (a) are to—

21 (1) provide benefits and services to minor vic-
22 tims of domestic trafficking, including shelter, psy-
23 chological counseling, and assistance in developing
24 independent living skills;

1 (2) assess the benefits of providing residential
2 treatment facilities for minor victims of domestic
3 trafficking, as well as the most efficient and cost-ef-
4 fective means of providing such facilities; and

5 (3) assess the need for and feasibility of estab-
6 lishing additional residential treatment facilities for
7 minor victims of domestic trafficking.

8 (c) SELECTION OF SITES.—The Secretary of Health
9 and Human Services shall select 3 sites at which to oper-
10 ate the pilot program established pursuant to subsection
11 (a).

12 (d) FORM OF ASSISTANCE.—In order to carry out the
13 responsibilities of this section, the Secretary of Health and
14 Human Services shall enter into contracts with, or make
15 grants to, nonprofit organizations with relevant expertise
16 in the delivery of services to runaway or homeless youth,
17 including youth who have been subjected to sexual abuse
18 or commercial sexual exploitation.

19 (e) REPORT.—Not later than one year after the date
20 on which the first pilot program is established pursuant
21 to subsection (a), the Secretary of Health and Human
22 Services shall submit to Congress a report on the imple-
23 mentation of this section.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary of

1 Health and Human Services to carry out this section
 2 \$5,000,000 for each of the fiscal years 2006 and 2007.

3 **SEC. 204. INVESTIGATION BY FEDERAL BUREAU OF INVE-**
 4 **TIGATION OF ACTS OF DOMESTIC TRAF-**
 5 **FICKING IN PERSONS.**

6 From amounts made available to carry out this sec-
 7 tion (including amounts made available pursuant to the
 8 authorization of appropriations in section 302), the Direc-
 9 tor of the Federal Bureau of Investigation shall inves-
 10 tigate acts of domestic trafficking in persons.

11 **SEC. 205. ENHANCING STATE AND LOCAL EFFORTS TO**
 12 **COMBAT TRAFFICKING IN PERSONS.**

13 (a) ESTABLISHMENT OF GRANT PROGRAM FOR LAW
 14 ENFORCEMENT.—

15 (1) IN GENERAL.—Subject to the availability of
 16 appropriations, the Attorney General may make
 17 grants to States and local law enforcement agencies
 18 to develop, expand, or strengthen programs to inves-
 19 tigate and prosecute acts of domestic trafficking in
 20 persons.

21 (2) MULTI-DISCIPLINARY APPROACH RE-
 22 QUIRED.—Grants under paragraph (1) may be made
 23 only for programs in which the State or local law en-
 24 forcement agency works collaboratively with victim
 25 service providers and other relevant nongovern-

1 mental organizations, including faith-based organiza-
 2 tions and organizations with experience in the deliv-
 3 ery of services to youth who have been subjected to
 4 sexual abuse or commercial sexual exploitation.

5 (3) LIMITATION ON FEDERAL SHARE.—The
 6 Federal share of a grant made under this subsection
 7 may not exceed 75 percent of the total costs of the
 8 projects described in the application submitted.

9 (b) IMPROVED INTERAGENCY COORDINATION TO
 10 COMBAT DOMESTIC TRAFFICKING.—Section 206(a)(1) of
 11 the Juvenile Justice and Delinquency Prevention Act of
 12 1974 (42 U.S.C. 5616(a)(1)) is amended by inserting “,
 13 the Director of the Office to Monitor and Combat Traf-
 14 ficking of the Department of State” after “the Commis-
 15 sioner of Immigration and Naturalization”.

16 **SEC. 206. DEFINITIONS.**

17 In this title:

18 (1) DOMESTIC TRAFFICKING IN PERSONS.—The
 19 term “domestic trafficking in persons” means a se-
 20 vere form of trafficking in persons as defined by sec-
 21 tion 103(8) of the Trafficking Victims Protection
 22 Act of 2000 (22 U.S.C. 7102(8)), which occurs
 23 wholly within the territorial jurisdiction of the
 24 United States.

1 (2) VICTIM OF DOMESTIC TRAFFICKING.—The
 2 term “victim of domestic trafficking” means a per-
 3 son subjected to an act or practice described in
 4 paragraph (1).

5 (3) MINOR VICTIM OF DOMESTIC TRAF-
 6 FICKING.—The term “minor victim of domestic traf-
 7 ficking” means a person subjected to an act or prac-
 8 tice described in paragraph (1) who has not attained
 9 18 years of age at the time the person is identified
 10 as a victim of domestic trafficking.

11 **TITLE III—AUTHORIZATIONS OF** 12 **APPROPRIATIONS**

13 **SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.**

14 Section 113 of the Trafficking Victims Protection Act
 15 of 2000 (22 U.S.C. 7110) is amended—

16 (1) in subsection (a)—

17 (A) by striking “and \$5,000,000” and in-
 18 serting “\$5,000,000”;

19 (B) by adding at the end before the period
 20 the following: “, and \$5,500,000 for each of the
 21 fiscal years 2006 and 2007”; and

22 (C) by further adding at the end the fol-
 23 lowing new sentence: “In addition, there are au-
 24 thorized to be appropriated to the Office to
 25 Monitor and Combat Trafficking for official re-

1 ception and representation expenses \$3,000 for
2 each of the fiscal years 2006 and 2007.”;

3 (2) in subsection (b), by striking “2004 and
4 2005” and inserting “2004, 2005, 2006, and 2007”;

5 (3) in subsection (c)(1), by striking “2004 and
6 2005” each place it appears and inserting “2004,
7 2005, 2006, and 2007”;

8 (4) in subsection (d), by striking “2004 and
9 2005” each place it appears and inserting “2004,
10 2005, 2006, and 2007”;

11 (5) in subsection (e)—

12 (A) in paragraphs (1) and (2), by striking
13 “2003 through 2005” and inserting “2003
14 through 2007”; and

15 (B) in paragraph (3), by striking
16 “\$300,000 for fiscal year 2004 and \$300,000
17 for fiscal year 2005” and inserting “\$300,000
18 for each of the fiscal years 2004 through
19 2007”; and

20 (6) in subsection (f), by striking “2004 and
21 2005” and inserting “2004, 2005, 2006, and 2007”.

22 **SEC. 302. INVESTIGATIONS BY FEDERAL BUREAU OF INVES-**
23 **TIGATIONS.**

24 There are authorized to be appropriated to the Direc-
25 tor of the Federal Bureau of Investigation to carry out

76

47

- 1 sections 204 and 104(g) \$15,000,000 for fiscal year 2006,
- 2 to remain available until expended.

○

Chairman HYDE. The Chair recognizes the gentleman from New Jersey, Mr. Smith.

Mr. SMITH FROM NEW JERSEY. Thank you very much, Mr. Chairman. I have an amendment in the nature of a substitute at the desk, and I ask for unanimous consent that it be considered as read and considered as the original text for the purposes of mark-up.

[The amendment referred to follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 972
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Trafficking Victims Protection Reauthorization Act of
4 2005”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

**TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN
PERSONS**

Sec. 101. Prevention of trafficking in conjunction with post-conflict and humanitarian emergency assistance.
Sec. 102. Protection of victims of trafficking in persons.
Sec. 103. Enhancing prosecutions of trafficking in persons offenses.
Sec. 104. Enhancing United States efforts to combat trafficking in persons.
Sec. 105. Additional activities to monitor and combat forced labor and child labor.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

Sec. 201. Prevention of domestic trafficking in persons.
Sec. 202. Establishment of grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking.
Sec. 203. Protection of juvenile victims of trafficking in persons.
Sec. 204. Enhancing State and local efforts to combat trafficking in persons.
Sec. 205. Report to Congress.
Sec. 206. Definitions.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Authorizations of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The United States has demonstrated inter-
4 national leadership in combating human trafficking
5 and slavery through the enactment of the Traf-
6 ficking Victims Protection Act of 2000 (division A of
7 Public Law 106–386; 22 U.S.C. 7101 et seq.) and
8 the Trafficking Victims Protection Reauthorization
9 Act of 2003 (Public Law 108–193).

10 (2) The United States Government currently
11 estimates that 600,000 to 800,000 individuals are
12 trafficked across international borders each year and
13 exploited through forced labor and commercial sex
14 exploitation. An estimated 80 percent of such indi-
15 viduals are women and girls.

16 (3) Since the enactment of the Trafficking Vic-
17 tims Protection Act of 2000, United States efforts
18 to combat trafficking in persons have focused pri-
19 marily on the international trafficking in persons,
20 including the trafficking of foreign citizens into the
21 United States.

22 (4) Trafficking in persons also occurs within
23 the borders of a country, including the United
24 States.

25 (5) No known studies exist that quantify the
26 problem of trafficking in children for the purpose of

1 commercial sexual exploitation in the United States.
2 According to a report issued by researchers at the
3 University of Pennsylvania in 2001, as many as
4 300,000 children in the United States are at risk for
5 commercial sexual exploitation, including trafficking,
6 at any given time.

7 (6) Runaway and homeless children in the
8 United States are highly susceptible to being domes-
9 tically trafficked for commercial sexual exploitation.
10 According to the National Runaway Switchboard,
11 every day in the United States, between 1,300,000
12 and 2,800,000 runaway and homeless youth live on
13 the streets. One out of every seven children will run
14 away from home before the age of 18.

15 (7) Following armed conflicts and during hu-
16 manitarian emergencies, indigenous populations face
17 increased security challenges and vulnerabilities
18 which result in myriad forms of violence, including
19 trafficking for sexual and labor exploitation. Foreign
20 policy and foreign aid professionals increasingly rec-
21 ognize the increased activity of human traffickers in
22 post-conflict settings and during humanitarian emer-
23 gencies.

24 (8) There is a need to protect populations in
25 post-conflict settings and humanitarian emergencies

1 from being trafficked for sexual or labor exploi-
2 tation. The efforts of aid agencies to address the
3 protection needs of, among others, internally dis-
4 placed persons and refugees are useful in this re-
5 gard. Nonetheless, there is a need for further inte-
6 grated programs and strategies at the United States
7 Agency for International Development, the Depart-
8 ment of State, and the Department of Defense to
9 combat human trafficking, including through protec-
10 tion and prevention methodologies, in post-conflict
11 environments and during humanitarian emergencies.

12 (9) International and human rights organiza-
13 tions have documented a correlation between inter-
14 national deployments of military and civilian peace-
15 keepers and aid workers and a resulting increase in
16 the number of women and girls trafficked into pros-
17 titution in post-conflict regions.

18 (10) The involvement of employees and contrac-
19 tors of the United States Government and members
20 of the Armed Forces in trafficking in persons, facili-
21 tating the trafficking in persons, or exploiting the
22 victims of trafficking in persons is inconsistent with
23 United States laws and policies and undermines the
24 credibility and mission of United States Government
25 programs in post-conflict regions.

1 (11) Further measures are needed to ensure
2 that United States Government personnel and con-
3 tractors are held accountable for involvement with
4 acts of trafficking in persons, including by expand-
5 ing United States criminal jurisdiction to all United
6 States Government contractors abroad.

7 **TITLE I—COMBATTING INTER-**
8 **NATIONAL TRAFFICKING IN**
9 **PERSONS**

10 **SEC. 101. PREVENTION OF TRAFFICKING IN CONJUNCTION**
11 **WITH POST-CONFLICT AND HUMANITARIAN**
12 **EMERGENCY ASSISTANCE.**

13 (a) AMENDMENT.—Section 106 of the Trafficking
14 Victims Protection Act of 2000 (22 U.S.C. 7104) is
15 amended by adding at the end the following new sub-
16 section:

17 “(h) PREVENTION OF TRAFFICKING IN CONJUNC-
18 TION WITH POST-CONFLICT AND HUMANITARIAN EMER-
19 GENCY ASSISTANCE.—The United States Agency for
20 International Development, the Department of State, and
21 the Department of Defense shall incorporate anti-traf-
22 ficking and protection measures for vulnerable popu-
23 lations, particularly women and children, into their post-
24 conflict and humanitarian emergency assistance and pro-
25 gram activities.”.

1 (b) STUDY AND REPORT.—

2 (1) STUDY.—

3 (A) IN GENERAL.—The Secretary of State
4 and the Administrator of the United States
5 Agency for International Development, in con-
6 sultation with the Secretary of Defense, shall
7 conduct a study regarding the threat and prac-
8 tice of trafficking in persons generated by post-
9 conflict and humanitarian emergencies in for-
10 eign countries.

11 (B) FACTORS.—In carrying out the study,
12 the Secretary of State and the Administrator of
13 the United States Agency for International De-
14 velopment shall examine—

15 (i) the vulnerabilities to human traf-
16 ficking of commonly affected populations,
17 particularly women and children, generated
18 by post-conflict and humanitarian emer-
19 gencies;

20 (ii) the various forms of trafficking in
21 persons, both internal and trans-border, in-
22 cluding both sexual and labor exploitation;

23 (iii) a collection of best practices im-
24 plemented to date to combat human traf-
25 ficking in such areas; and

1 (iv) proposed recommendations to bet-
2 ter combat trafficking in persons in con-
3 junction with post-conflict reconstruction
4 and humanitarian emergencies assistance.

5 (2) REPORT.—Not later than 180 days after
6 the date of the enactment of this Act, the Secretary
7 of State and the Administrator of the United States
8 Agency for International Development, with the con-
9 currence of the Secretary of Defense, shall transmit
10 to the Committee on International Relations and the
11 Committee on Armed Services of the House of Rep-
12 resentatives and the Committee on Foreign Rela-
13 tions and the Committee on Armed Services of the
14 Senate a report that contains the results of the
15 study conducted pursuant to paragraph (1).

16 **SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN**
17 **PERSONS.**

18 (a) ACCESS TO INFORMATION.—Section 107(c)(2) of
19 the Trafficking Victims Protection Act of 2000 (22 U.S.C.
20 7105(c)(2)) is amended by adding at the end the following
21 new sentence: “To the extent practicable, victims of severe
22 forms of trafficking shall have access to information about
23 federally funded or administered anti-trafficking programs
24 that provide services to victims of severe forms of traf-
25 ficking.”.

1 (b) ESTABLISHMENT OF PILOT PROGRAM FOR RESI-
2 DENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF
3 TRAFFICKING.—

4 (1) STUDY.—

5 (A) IN GENERAL.—Not later than 180
6 days after the date of the enactment of this
7 Act, the Administrator of the United States
8 Agency for International Development shall
9 carry out a study to identify best practices for
10 the rehabilitation of victims of trafficking in
11 group residential facilities in foreign countries.

12 (B) FACTORS.—In carrying out the study
13 under subparagraph (A), the Administrator
14 shall—

15 (i) investigate factors relating to the
16 rehabilitation of victims of trafficking in
17 group residential facilities, such as the ap-
18 propriate size of such facilities, services to
19 be provided, length of stay, and cost; and

20 (ii) give consideration to ensure the
21 safety and security of victims of traf-
22 ficking, provide alternative sources of in-
23 come for such victims, assess and provide
24 for the educational needs of such victims,
25 including literacy, and assess the psycho-

1 logical needs of such victims and provide
2 professional counseling, as appropriate.

3 (2) PILOT PROGRAM.—Upon completion of the
4 study carried out pursuant to paragraph (1), the
5 Administrator of the United States Agency for
6 International Development shall establish and carry
7 out a pilot program to establish residential treat-
8 ment facilities in foreign countries for victims of
9 trafficking based upon the best practices identified
10 in the study.

11 (3) PURPOSES.—The purposes of the pilot pro-
12 gram established pursuant to paragraph (2) are to—

13 (A) provide benefits and services to victims
14 of trafficking, including shelter, psychological
15 counseling, and assistance in developing inde-
16 pendent living skills;

17 (B) assess the benefits of providing resi-
18 dential treatment facilities for victims of traf-
19 ficking, as well as the most efficient and cost-
20 effective means of providing such facilities; and

21 (C) assess the need for and feasibility of
22 establishing additional residential treatment fa-
23 cilities for victims of trafficking.

24 (4) SELECTION OF SITES.—The Administrator
25 of the United States Agency for International Devel-

1 opment shall select 2 sites at which to operate the
2 pilot program established pursuant to paragraph (2).

3 (5) FORM OF ASSISTANCE.—In order to carry
4 out the responsibilities of this subsection, the Ad-
5 ministrator of the United States Agency for Inter-
6 national Development shall enter into contracts with,
7 or make grants to, organizations with relevant ex-
8 pertise in the delivery of services to victims of traf-
9 ficking.

10 (6) REPORT.—Not later than one year after the
11 date on which the first pilot program is established
12 pursuant to paragraph (2), the Administrator of the
13 United States Agency for International Development
14 shall submit to the Committee on International Re-
15 lations of the House of Representatives and the
16 Committee on Foreign Relations of the Senate a re-
17 port on the implementation of this subsection.

18 (7) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to the Ad-
20 ministrator of the United States Agency for Inter-
21 national Development to carry out this subsection
22 \$2,500,000 for each of the fiscal years 2006 and
23 2007.

1 **SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING IN**
 2 **PERSONS OFFENSES.**

3 (a) EXTRATERRITORIAL JURISDICTION OVER CER-
 4 TAIN TRAFFICKING IN PERSONS OFFENSES.—

5 (1) IN GENERAL.—Part II of title 18, United
 6 States Code, is amended by inserting after chapter
 7 212 the following new chapter:

8 **“CHAPTER 212A—EXTRATERRITORIAL JU-**
 9 **RISDICTION OVER CERTAIN TRAF-**
 10 **FICKING IN PERSONS OFFENSES**

“Sec.

“3271. Trafficking in persons offenses committed by persons employed by or ac-
 companying the Federal Government outside the United
 States.

“3272. Definitions.

11 **“§ 3271. Trafficking in persons offenses committed by**
 12 **persons employed by or accompanying**
 13 **the Federal Government outside the**
 14 **United States**

15 “(a) Whoever, while employed by or accompanying
 16 the Federal Government outside the United States, en-
 17 gages in conduct outside the United States that would
 18 constitute an offense under chapter 77 or 117 of this title
 19 if the conduct had been engaged in within the United
 20 States or within the special maritime and territorial juris-
 21 diction of the United States shall be punished as provided
 22 for that offense.

1 “(b) No prosecution may be commenced against a
2 person under this section if a foreign government, in ac-
3 cordance with jurisdiction recognized by the United
4 States, has prosecuted or is prosecuting such person for
5 the conduct constituting such offense, except upon the ap-
6 proval of the Attorney General or the Deputy Attorney
7 General (or a person acting in either such capacity), which
8 function of approval may not be delegated.

9 **“§ 3272. Definitions**

10 “As used in this chapter:

11 “(1) The term ‘employed by the Federal Gov-
12 ernment outside the United States’ means—

13 “(A) employed as a civilian employee of the
14 Federal Government, as a Federal contractor
15 (including a subcontractor at any tier), or as an
16 employee of a Federal contractor (including a
17 subcontractor at any tier);

18 “(B) present or residing outside the
19 United States in connection with such employ-
20 ment; and

21 “(C) not a national of or ordinarily resi-
22 dent in the host nation.

23 “(2) The term ‘accompanying the Federal Gov-
24 ernment outside the United States’ means—

25 “(A) a dependant of—

1 “(i) a civilian employee of the Federal
2 Government; or

3 “(ii) a Federal contractor (including a
4 subcontractor at any tier) or an employee
5 of a Federal contractor (including a sub-
6 contractor at any tier);

7 “(B) residing with such civilian employee,
8 contractor, or contractor employee outside the
9 United States; and

10 “(C) not a national of or ordinarily resi-
11 dent in the host nation.”.

12 (2) CLERICAL AMENDMENT.—The table of
13 chapters at the beginning of such part is amended
14 by inserting after the item relating to chapter 212
15 the following new item:

“212A. Extraterritorial jurisdiction over certain trafficking in persons
offenses 3271”.

16 (b) LAUNDERING OF MONETARY INSTRUMENTS.—
17 Section 1956(e)(7)(B) of title 18, United States Code, is
18 amended—

19 (1) in clause (v), by striking “or” at the end;

20 (2) in clause (vi), by adding “or” at the end;

21 and

22 (3) by adding at the end the following new
23 clause:

1 “(vii) trafficking in persons, selling or
2 buying of children, sexual exploitation of
3 children, or transporting, recruiting or har-
4 boring a person, including a child, for com-
5 mercial sex acts;”.

6 (c) DEFINITION OF RACKETEERING ACTIVITY.—Sec-
7 tion 1961(B) of title 18, United States Code, is amended
8 by striking “1581—1591” and inserting “1581—1592”.

9 (d) CIVIL AND CRIMINAL FORFEITURES.—

10 (1) IN GENERAL.—Chapter 117 of title 18,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 2428. Forfeitures**

14 “(a) IN GENERAL.—The court, in imposing sentence
15 on any person convicted of a violation of this chapter, shall
16 order, in addition to any other sentence imposed and irre-
17 spective of any provision of State law, that such person
18 shall forfeit to the United States—

19 “(1) such person’s interest in any property, real
20 or personal, that was used or intended to be used to
21 commit or to facilitate the commission of such viola-
22 tion; and

23 “(2) any property, real or personal, constituting
24 or derived from any proceeds that such person ob-

1 tained, directly or indirectly, as a result of such vio-
2 lation.

3 “(b) PROPERTY SUBJECT TO FORFEITURE.—

4 “(1) IN GENERAL.—The following shall be sub-
5 ject to forfeiture to the United States and no prop-
6 erty right shall exist in them:

7 “(A) Any property, real or personal, used
8 or intended to be used to commit or to facilitate
9 the commission of any violation of this chapter.

10 “(B) Any property, real or personal, that
11 constitutes or is derived from proceeds traceable
12 to any violation of this chapter.

13 “(2) APPLICABILITY OF CHAPTER 46.—The pro-
14 visions of chapter 46 of this title relating to civil for-
15 feitures shall apply to any seizure or civil forfeiture
16 under this subsection.”.

17 “(2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of such chapter is amended
19 by adding at the end the following new item:

“2428. Forfeitures.”.

20 **SEC. 104. ENHANCING UNITED STATES EFFORTS TO COM-**
21 **BAT TRAFFICKING IN PERSONS.**

22 (a) APPOINTMENT TO INTERAGENCY TASK FORCE
23 TO MONITOR AND COMBAT TRAFFICKING.—Section
24 105(b) of the Trafficking Victims Protection Act of 2000
25 (22 U.S.C. 7103(b)) is amended—

1 (1) by striking “the Director of Central Intel-
2 ligence” and inserting “the Director of National In-
3 telligence”; and

4 (2) by inserting “, the Secretary of Defense, the
5 Secretary of Homeland Security” after “the Director
6 of National Intelligence” (as added by paragraph
7 (1)).

8 (b) MINIMUM STANDARDS FOR THE ELIMINATION OF
9 TRAFFICKING.—

10 (1) AMENDMENTS.—Section 108(b) of the
11 Trafficking Victims Protection Act of 2000 (22
12 U.S.C. 7106(b)) is amended—

13 (A) in paragraph (3), by adding at the end
14 before the period the following: “, measures to
15 reduce the demand for commercial sex acts and
16 for participation in international sex tourism by
17 nationals of the country, measures to ensure
18 that its nationals who are deployed abroad as
19 part of a peacekeeping or other similar mission
20 do not engage in or facilitate severe forms of
21 trafficking in persons or exploit victims of such
22 trafficking, and measures to prevent the use of
23 forced labor or child labor in violation of inter-
24 national standards”; and

1 (B) in the first sentence of paragraph (7),
2 by striking “persons,” and inserting “persons,
3 including nationals of the country who are de-
4 ployed abroad as part of a peacekeeping or
5 other similar mission who engage in or facilitate
6 severe forms of trafficking in persons or exploit
7 victims of such trafficking.”.

8 (2) EFFECTIVE DATE.—The amendments made
9 by subparagraphs (A) and (B) of paragraph (1) take
10 effect beginning two years after the date of the en-
11 actment of this Act.

12 (c) RESEARCH.—

13 (1) AMENDMENTS.—Section 112A of the Traf-
14 ficking Victims Protection Act of 2000 (22 U.S.C.
15 7109a) is amended—

16 (A) in the first sentence of the matter pre-
17 ceding paragraph (1)—

18 (i) by striking “The President” and
19 inserting “(a) IN GENERAL.—The Presi-
20 dent”; and

21 (ii) by striking “the Director of Cen-
22 tral Intelligence” and inserting “the Direc-
23 tor of National Intelligence”;

1 (B) in paragraph (3), by adding at the end
2 before the period the following: “, particularly
3 HIV/AIDS”;

4 (C) by adding at the end the following new
5 paragraphs:

6 “(4) Subject to subsection (b), the interrelation-
7 ship between trafficking in persons and terrorism,
8 including the use of profits from trafficking in per-
9 sons to finance terrorism.

10 “(5) An effective mechanism for quantifying the
11 number of victims of trafficking on a national, re-
12 gional, and international basis.

13 “(6) The abduction and enslavement of children
14 for use as soldiers, including steps taken to elimi-
15 nate the abduction and enslavement of children for
16 use as soldiers and recommendations for such fur-
17 ther steps as may be necessary to rapidly end the
18 abduction and enslavement of children for use as
19 soldiers.”; and

20 (D) by further adding at the end the fol-
21 lowing new subsections:

22 “(b) ROLE OF HUMAN SMUGGLING AND TRAF-
23 FICKING CENTER.—The research initiatives described in
24 subsection (a)(4) shall be carried out by the Human
25 Smuggling and Trafficking Center (established pursuant

1 to section 7202 of the Intelligence Reform and Terrorism
2 Prevention Act of 2004 (Public Law 108–458)).

3 “(c) DEFINITIONS.—In this section:

4 “(1) AIDS.—The term ‘AIDS’ means the ac-
5 quired immune deficiency syndrome.

6 “(2) HIV.—The term ‘HIV’ means the human
7 immunodeficiency virus, the pathogen that causes
8 AIDS.

9 “(3) HIV/AIDS.—The term ‘HIV/AIDS’
10 means, with respect to an individual, an individual
11 who is infected with HIV or living with AIDS.”.

12 (2) REPORT.—

13 (A) IN GENERAL.—Not later than one year
14 after the date of the enactment of this Act, the
15 Human Smuggling and Trafficking Center (es-
16 tablished pursuant to section 7202 of the Intel-
17 ligence Reform and Terrorism Prevention Act
18 of 2004 (Public Law 108–458)) shall submit to
19 the appropriate congressional committees a re-
20 port on the results of the research initiatives
21 carried out pursuant to section 112A(4) of the
22 Trafficking Victims Protection Act of 2000 (as
23 added by paragraph (1)(C) of this subsection).

1 (B) DEFINITION.—In this paragraph, the
2 term “appropriate congressional committees”
3 means—

4 (i) the Committee on International
5 Relations and the Committee on the Judi-
6 ciary of the House of Representatives; and
7 (ii) the Committee on Foreign Rela-
8 tions and the Committee on the Judiciary
9 of the Senate.

10 (d) FOREIGN SERVICE OFFICER TRAINING.—Section
11 708(a) of the Foreign Service Act of 1980 (22 U.S.C.
12 4028(a)) is amended—

13 (1) in the matter preceding paragraph (1), by
14 inserting “, the Director of the Office to Monitor
15 and Combat Trafficking,” after “the International
16 Religious Freedom Act of 1998”;

17 (2) in paragraph (1), by striking “and” at the
18 end;

19 (3) in paragraph (2), by striking the period at
20 the end and inserting “; and”; and

21 (4) by adding at the end the following:

22 “(3) instruction on international documents and
23 United States policy on trafficking in persons, in-
24 cluding provisions of the Trafficking Victims Protec-
25 tion Act of 2000 (division A of Public Law 106–386;

1 22 U.S.C. 7101 et seq.) which may affect the United
2 States bilateral relationships.”.

3 (e) PREVENTION OF TRAFFICKING BY PEACE-
4 KEEPERS.—

5 (1) INCLUSION IN TRAFFICKING IN PERSONS
6 REPORT.—Section 110(b)(1) of the Trafficking Vic-
7 tims Protection Act of 2000 (22 U.S.C. 7107(b)(1))
8 is amended—

9 (A) in subparagraph (B), by striking
10 “and” at the end;

11 (B) in subparagraph (C), by striking the
12 period at the end and inserting “; and”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(D) information on the measures taken
16 by the United Nations, the Organization for Se-
17 curity and Cooperation in Europe, the North
18 Atlantic Treaty Organization and, as appro-
19 priate, other multilateral organizations in which
20 the United States participates, to prevent the
21 involvement of the organization’s employees,
22 contractor personnel, and peacekeeping forces
23 in trafficking in persons or the exploitation of
24 victims of trafficking.”.

1 (2) REPORT BY SECRETARY OF STATE.—At
2 least 15 days prior to voting for a new or reauthor-
3 ized peacekeeping mission under the auspices of the
4 United Nations, the North Atlantic Treaty Organi-
5 zation, or any other multilateral organization in
6 which the United States participates (or in an emer-
7 gency, as far in advance as is practicable), the Sec-
8 retary of State shall submit to the Committee on
9 International Relations of the House of Representa-
10 tives, the Committee on Foreign Relations of the
11 Senate, and any other appropriate congressional
12 committee a report that contains—

13 (A) a description of measures taken by the
14 organization to prevent the organization's em-
15 ployees, contractor personnel, and peacekeeping
16 forces serving in the peacekeeping mission from
17 trafficking in persons, exploiting victims of traf-
18 ficking, or committing acts of sexual exploi-
19 tation or abuse, and the measures in place to
20 hold accountable any such individuals who en-
21 gage in any such acts while participating in the
22 peacekeeping mission; and

23 (B) an analysis of the effectiveness of each
24 of the measures referred to in subparagraph
25 (A).

1 **SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COM-**
2 **BAT FORCED LABOR AND CHILD LABOR.**

3 (a) ACTIVITIES OF THE DEPARTMENT OF STATE.—

4 (1) FINDING.—Congress finds that in the re-
5 port submitted to Congress by the Secretary of State
6 in June 2005 pursuant to section 110(b) of the
7 Trafficking Victims Protection Act of 2000 (22
8 U.S.C. 7107(b)), the list of countries whose govern-
9 ments do not comply with the minimum standards
10 for the elimination of trafficking and are not making
11 significant efforts to bring themselves into compli-
12 ance was composed of a large number of countries
13 in which the trafficking involved forced labor, includ-
14 ing the trafficking of women into domestic servitude.

15 (2) SENSE OF CONGRESS.—It is the sense of
16 Congress that the Director of the Office to Monitor
17 and Combat Trafficking of the Department of State
18 should intensify the focus of the Office on forced
19 labor in the countries described in paragraph (1)
20 and other countries in which forced labor continues
21 to be a serious human rights concern.

22 (b) ACTIVITIES OF THE DEPARTMENT OF LABOR.—

23 (1) IN GENERAL.—The Secretary of Labor, act-
24 ing through the head of the Bureau of International
25 Labor Affairs of the Department of Labor, shall
26 carry out additional activities to monitor and combat

1 forced labor and child labor in foreign countries as
2 described in paragraph (2).

3 (2) ADDITIONAL ACTIVITIES DESCRIBED.—The
4 additional activities referred to in paragraph (1)
5 are—

6 (A) to monitor the use of forced labor and
7 child labor in violation of international stand-
8 ards;

9 (B) to provide information regarding traf-
10 ficking in persons for the purpose of forced
11 labor to the Office to Monitor and Combat
12 Trafficking of the Department of State for in-
13 clusion in trafficking in persons report required
14 by section 110(b) of the Trafficking Victims
15 Protection Act of 2000 (22 U.S.C. 7107(b));

16 (C) to develop and make available to the
17 public a list of goods from countries that the
18 Bureau of International Labor Affairs has rea-
19 son to believe are produced by forced labor or
20 child labor in violation of international stand-
21 ards;

22 (D) to work with persons who are involved
23 in the production of goods on the list described
24 in subparagraph (C) to create a standard set of
25 practices that will reduce the likelihood that

1 such persons will produce goods using the labor
2 described in such subparagraph; and
3 (E) to consult with other departments and
4 agencies of the United States Government to
5 reduce forced and child labor internationally
6 and ensure that products made by forced labor
7 and child labor in violation of international
8 standards are not imported into the United
9 States.

10 **TITLE II—COMBATTING DOMES-**
11 **TIC TRAFFICKING IN PER-**
12 **SONS**

13 **SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN**
14 **PERSONS.**

15 (a) PROGRAM TO REDUCE DEMAND FOR COMMER-
16 CIAL SEX ACTS.—

17 (1) PROGRAM.—The Secretary of Health and
18 Human Services and the Attorney General shall
19 identify best practices to reduce the demand for
20 commercial sex acts in the United States and shall
21 carry out a program to implement such best prac-
22 tices.

23 (2) REPORTS.—The Secretary and the Attorney
24 General shall prepare and post on the respective
25 Internet Web sites of the Department of Health and

1 Human Services and the Department of Justice re-
2 ports on the best practices identified under para-
3 graph (1).

4 (3) DEFINITION.—In this subsection, the term
5 “commercial sex act” has the meaning given the
6 term in section 103(3) of the Trafficking Victims
7 Protection Act of 2000 (22 U.S.C. 7102(3)).

8 (b) TERMINATION OF CERTAIN GRANTS, CON-
9 TRACTS, AND COOPERATIVE AGREEMENTS.—Section
10 106(g) of the Trafficking Victims Protection Act of 2000
11 (22 U.S.C. 7104) is amended—

12 (1) in paragraph (1), by striking “described in
13 paragraph (2)”; and

14 (2) by striking paragraph (2).

15 **SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DE-**
16 **VELOP, EXPAND, AND STRENGTHEN ASSIST-**
17 **ANCE PROGRAMS FOR CERTAIN PERSONS**
18 **SUBJECT TO TRAFFICKING.**

19 (a) GRANT PROGRAM.—Subject to the availability of
20 appropriations, the Secretary of Health and Human Serv-
21 ices may make grants to States, Indian tribes, units of
22 local government, and nonprofit, nongovernmental victims’
23 service organizations to develop, expand, and strengthen
24 assistance programs for United States citizens or aliens
25 admitted for permanent residence who are the subject of

1 sex trafficking or severe forms of trafficking in persons
2 that occurs, in whole or in part, within the territorial juris-
3 diction of the United States.

4 (b) SELECTION FACTOR.—In selecting among appli-
5 cants for grants under subsection (a), the Secretary shall
6 give priority to applicants with experience in the delivery
7 of services to persons who have been subjected to sexual
8 abuse or commercial sexual exploitation and to applicants
9 who would employ survivors of sexual abuse or commercial
10 sexual exploitation as part of their proposed project.

11 (c) LIMITATION ON FEDERAL SHARE.—The Federal
12 share of a grant made under this section may not exceed
13 75 percent of the total costs of the projects described in
14 the application submitted.

15 **SEC. 203. PROTECTION OF JUVENILE VICTIMS OF TRAF-**
16 **FICKING IN PERSONS.**

17 (a) ESTABLISHMENT OF PILOT PROGRAM.—Not
18 later than 180 days after the date of the enactment of
19 this Act, the Secretary of Health and Human Services
20 shall establish and carry out a pilot program to establish
21 residential treatment facilities in the United States for ju-
22 veniles subjected to trafficking.

23 (b) PURPOSES.—The purposes of the pilot program
24 established pursuant to subsection (a) are to—

1 (1) provide benefits and services to juveniles
2 subjected to trafficking, including shelter, psycho-
3 logical counseling, and assistance in developing inde-
4 pendent living skills;

5 (2) assess the benefits of providing residential
6 treatment facilities for juveniles subjected to traf-
7 ficking, as well as the most efficient and cost-effec-
8 tive means of providing such facilities; and

9 (3) assess the need for and feasibility of estab-
10 lishing additional residential treatment facilities for
11 juveniles subjected to trafficking.

12 (c) SELECTION OF SITES.—The Secretary of Health
13 and Human Services shall select 3 sites at which to oper-
14 ate the pilot program established pursuant to subsection
15 (a).

16 (d) FORM OF ASSISTANCE.—In order to carry out the
17 responsibilities of this section, the Secretary of Health and
18 Human Services shall enter into contracts with, or make
19 grants to, organizations with relevant expertise in the de-
20 livery of services to juveniles who have been subjected to
21 sexual abuse or commercial sexual exploitation.

22 (e) REPORT.—Not later than one year after the date
23 on which the first pilot program is established pursuant
24 to subsection (a), the Secretary of Health and Human

1 Services shall submit to Congress a report on the imple-
2 mentation of this section.

3 (f) DEFINITION.—In this section, the term “juvenile
4 subjected to trafficking” means a United States citizen,
5 or alien admitted for permanent residence, who is the sub-
6 ject of sex trafficking or severe forms of trafficking in per-
7 sons that occurs, in whole or in part, within the territorial
8 jurisdiction of the United States and who has not attained
9 18 years of age at the time the person is identified as
10 having been the subject of sex trafficking or severe forms
11 of trafficking in persons.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Secretary of
14 Health and Human Services to carry out this section
15 \$5,000,000 for each of the fiscal years 2006 and 2007.

16 **SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO**
17 **COMBAT TRAFFICKING IN PERSONS.**

18 (a) ESTABLISHMENT OF GRANT PROGRAM FOR LAW
19 ENFORCEMENT.—Subject to the availability of appropria-
20 tions, the Attorney General may make grants to States
21 and local law enforcement agencies to develop, expand, or
22 strengthen programs to investigate and prosecute acts of
23 severe forms of trafficking in persons that involve United
24 States citizens, or aliens admitted for permanent resi-

1 dence, and that occur, in whole or in part, within the terri-
2 torial jurisdiction of the United States.

3 (b) MULTI-DISCIPLINARY APPROACH REQUIRED.—
4 Grants under subsection (a) may be made only for pro-
5 grams in which the State or local law enforcement agency
6 works collaboratively with victim service providers and
7 other relevant nongovernmental organizations, including
8 faith-based organizations and organizations with experi-
9 ence in the delivery of services to persons who are the sub-
10 ject of trafficking in persons.

11 (c) LIMITATION ON FEDERAL SHARE.—The Federal
12 share of a grant made under this section may not exceed
13 75 percent of the total costs of the projects described in
14 the application submitted.

15 **SEC. 205. REPORT TO CONGRESS.**

16 Section 105(d)(7) of the Trafficking Victims Protec-
17 tion Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

18 (1) in subparagraph (F), by striking “and” at
19 the end;

20 (2) by redesignating subparagraph (G) as sub-
21 paragraph (H); and

22 (3) by inserting after subparagraph (F) the fol-
23 lowing new subparagraph:

24 “(G) the amount, recipient, and purpose of
25 each grant under sections 202 and 204 of the

1 Trafficking Victims Protection Reauthorization
2 Act of 2005; and”.

3 **SEC. 206. DEFINITIONS.**

4 In this title:

5 (1) SEVERE FORMS OF TRAFFICKING IN PER-
6 SONS.—The term “severe forms of trafficking in
7 persons” has the meaning given the term in section
8 103(8) of the Trafficking Victims Protection Act of
9 2000 (22 U.S.C. 7102(8)).

10 (2) SEX TRAFFICKING.—The term “sex traf-
11 ficking” has the meaning given the term in section
12 103(9) of the Trafficking Victims Protection Act of
13 2000 (22 U.S.C. 7102(9)).

14 **TITLE III—AUTHORIZATIONS OF**
15 **APPROPRIATIONS**

16 **SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.**

17 Section 113 of the Trafficking Victims Protection Act
18 of 2000 (22 U.S.C. 7110) is amended—

19 (1) in subsection (a)—

20 (A) by striking “and \$5,000,000” and in-
21 serting “\$5,000,000”;

22 (B) by adding at the end before the period
23 the following: “, and \$5,500,000 for each of the
24 fiscal years 2006 and 2007”; and

1 (C) by further adding at the end the fol-
2 lowing new sentence: “In addition, there are au-
3 thorized to be appropriated to the Office to
4 Monitor and Combat Trafficking for official re-
5 ception and representation expenses \$3,000 for
6 each of the fiscal years 2006 and 2007.”;

7 (2) in subsection (b), by striking “2004 and
8 2005” and inserting “2004, 2005, 2006, and 2007”;

9 (3) in subsection (c)(1), by striking “2004 and
10 2005” each place it appears and inserting “2004,
11 2005, 2006, and 2007”;

12 (4) in subsection (d), by striking “2004 and
13 2005” each place it appears and inserting “2004,
14 2005, 2006, and 2007”;

15 (5) in subsection (e)—

16 (A) in paragraphs (1) and (2), by striking
17 “2003 through 2005” and inserting “2003
18 through 2007”; and

19 (B) in paragraph (3), by striking
20 “\$300,000 for fiscal year 2004 and \$300,000
21 for fiscal year 2005” and inserting “\$300,000
22 for each of the fiscal years 2004 through
23 2007”;

1 (6) in subsection (f), by striking “2004 and
2 2005” and inserting “2004, 2005, 2006, and 2007”;
3 and

4 (7) by adding at the end the following new sub-
5 sections:

6 “(g) AUTHORIZATION OF APPROPRIATIONS TO DI-
7 RECTOR OF THE FBI.—There are authorized to be appro-
8 priated to the Director of the Federal Bureau of Investiga-
9 tion \$15,000,000 for fiscal year 2006, to remain available
10 until expended, to investigate severe forms of trafficking
11 in persons.

12 “(h) AUTHORIZATION OF APPROPRIATIONS TO THE
13 SECRETARY OF HOMELAND SECURITY.—There are au-
14 thorized to be appropriated to the Secretary of Homeland
15 Security, \$18,000,000 for each of the fiscal years 2006
16 and 2007, to remain available until expended, for inves-
17 tigations by the Bureau of Immigration and Customs En-
18 forcement of severe forms of trafficking in persons.”.

Chairman HYDE. Without objection, it is so ordered. The gentleman from New Jersey is recognized in support of his amendment.

Mr. SMITH FROM NEW JERSEY. Thank you so much, Mr. Chairman, and I want to thank you for bringing this reauthorization bill to a Full Committee markup.

In supporting the Trafficking Victims Protection Act and its first reauthorization in 2003, you, Mr. Lantos, and this Committee have demonstrated a commitment to eradicate the scourge of modern day slavery and to bring healing to its victims.

Mr. Chairman, this legislation, H.R. 972, which has now almost 75 co-sponsors, is totally bipartisan. Mr. Lantos, Mr. Payne, Ms. Ros-Lehtinen, Mr. Pence, Mr. Faleomavaega, to name just a few, are all co-sponsors of the legislation.

The bill will continue the progress begun by the Trafficking Victims Protection Act (TVPA) of 2000, which helped transform the way our Government, the private sector, and governments around the world respond to the crime of trafficking.

Since enactment of the TVPA, the traffickers here and abroad are increasingly likely to face prosecution and conviction. In contrast to the full year period before its enactment, the Department of Justice has in the last 4 years initiated more than three times the number of investigations into human trafficking, filed almost four times as many cases, charged more than twice as many defendants, and doubled the number of defendants who are convicted.

Worldwide, nearly 7,000 traffickers were prosecuted last year, and more than 3,000 were convicted. These law enforcement statistics reflect an increase in the number of convictions from previous years and demonstrate the importance of countries acquiring the legal tools necessary to combat trafficking.

Of course, having the political will is necessary to implement those tools and to provide those tools is something that this bill is all about.

Mr. Chairman, I am heartened that victims of trafficking today are more likely to receive lifesaving assistance from governments, NGOs, and faith communities. Since 2001, more than 600 survivors in the United States have received assistance through the Department of Health and Human Services. More than 400 victims have received a T-visa, which allows them to remain in the U.S. to rebuild their shattered lives.

Much has been accomplished and yet countless people continue to be bought and sold like cattle for exploitation each and every day. Current estimates are that 600,000 to 800,000 people are trafficked across international borders each year, and millions more are trafficked internally within the borders of several countries around the world.

This bill continues to advance the fight against international trafficking, and for the first time also bringing into focus the internal trafficking of American citizens and residents right in our own backyard.

Both before and after the introduction of H.R. 972 we consulted widely with relevant NGOs and U.S. Government officials, as well as with the Majority and Minority Members and staff of the other

Committees of jurisdiction, and this was referred, as you know, to several other Committees.

The amendment in the nature of a substitute that I propose reflects the outcome of those consultations. Specifically, pursuant to the amendment, H.R. 972 would: One, direct the State Department and USAID, working with the Department of Defense, to study and report on additional trafficking prevention strategies for post-conflict and post-natural disaster relief programs; second, create criminal jurisdiction in U.S. courts over Federal contractors, government employees and their dependents who engage in trafficking while overseas on official business; three, require the State Department's annual *Trafficking in Persons Report* to include information on efforts by the United Nations, the OSCE, and NATO to eliminate involvement in trafficking by the organizations' personnel, contractors, and peacekeepers; four, require the Secretary of State to report to Congress at least 15 days prior to voting for a peacekeeping mission about the measures taken by the UN or other international organizations to prevent peacekeepers from engaging in trafficking or committing acts of sexual exploitation or abuse and to hold accountable any who engage in any such acts.

I would note parenthetically that our Subcommittee has had two very disturbing hearings on the misdeeds by UN peacekeepers in the Congo, for example, and this tries to preemptively get at that problem so that there are safeguards and guidelines already in place.

Fifth, amend the criteria by which countries are evaluated in the *Trafficking in Persons Report* by allowing consideration of foreign governments' efforts to reduce demand for commercial sex acts, which is linked to such trafficking, to prevent sex tourism, to ensure that peacekeeping troops do not exploit trafficking victims, and to prevent forced labor or child labor in violation of international standards; sixth, direct USAID to direct a pilot program for residential rehab facilities for trafficking victims in two locations abroad. HHS would also run a similar program in the United States with three pilot programs and would also be authorized to create grant programs to combat trafficking of American citizens; seventh, direct the President to conduct specialized research on trafficking, including research on the use of human trafficking to finance terrorist activities; and finally, the bill would reauthorize appropriations for fiscal years 2006 and 2007 for anti-trafficking programs of all relevant agencies, including the State Department and U.S. Agency for International Development.

Mr. Chairman, I want to say a special thanks to a number of staffers who have worked long and hard during the course of the last 6 months on this legislation, beginning with our Director of Policy, Eleanor Nagy; Maureen Walsh, who is the General Counsel for the OSCE, the Helsinki Commission; David Abramowitz who worked as he did in 2000 and 2003, working with us hand-and-glove, made a number of very important recommendations that are reflected in the bill; Renee Austell, who also worked extremely hard on this legislation; and John Cerofin, who is our General Counsel, for his excellent work, particularly with the other Committees of jurisdiction where the negotiations at time are very deli-

cate and very difficult. I want to thank all of our staff for their invaluable and very, very productive work.

I yield back the balance of my time.

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Mr. Chairman, I will be brief. I want to support the legislation, of course, of which I am a co-sponsor, and I want to pay special tribute to my friend from New Jersey, Chris Smith, who has been leading the Congress on this most important issue with his customary perseverance, passion and intensity.

I strongly urge all of our colleagues to vote for this legislation. Thank you.

Chairman HYDE. Are there any amendments?

[No response.]

Chairman HYDE. If not, the question occurs—I am sorry. Mr. Menendez?

Mr. MENENDEZ. Thank you, Mr. Chairman. I do not have an amendment, but I just do want to briefly speak on the bill.

I want to thank my colleague from New Jersey, Congressman Smith, for his leadership on this issue. I am proud that someone from my own home State has dedicated himself to ending trafficking of people around the world, and I think, in fact, because of his leadership, and also joined by the work of Mr. Payne and others, countries around the world have been forced to change their laws and to improve enforcement.

Mr. Smith talked about the statistics, 600,000 to 800,000 people forced to cross borders to become slaves and prostitutes, 2 million to 4 million people within their own countries. When we look at those numbers, the vast majority of these are women and girls. As we fight to end trafficking, we are also fighting for the rights of women and girls around the world.

I think it is easy to forget that each of those numbers represents a human being, a daughter, a sister, a mother, or a son who is suffering. It is easy to forget that each of these people are part of a family that has been torn apart by trafficking.

It is easy to forget the number of individuals trafficking hides, even a greater number of families around the world devastated by trafficking. I am proud to be a co-sponsor and a strong supporter of this legislation which reauthorized programs designed to attack trafficking both at home and abroad.

I particularly just want to take, as the Ranking Member of the Western Hemisphere Subcommittee, a moment to say I was deeply concerned to see that 5 of the 14 tier 3 countries, as designated by the State Department, were from Latin America or the Caribbean. Tier 3 countries are the worst violators. They are not complying with minimum standards to eliminate trafficking. Even worse, they are not making a significant effort to fix things.

Now, I understand from the Presidential determination issued at the end of September that Bolivia and Jamaica have taken steps to come into compliance. I certainly hope they will continue to do so. According to that same document, Cuba, Ecuador, and Venezuela are not making any significant efforts to stop trafficking. Let us be clear, these countries are only hurting their own people by allowing exploitation and trafficking in their countries.

I am also saddened to say that our hemisphere has become a mecca for sex tourists from around the world. Tens of thousands of women and children from across the countries of Latin America and the Caribbean are trafficked and then forced into prostitution or are sexually exploited. Brazil, Mexico, Honduras, Costa Rica, Trinidad, Tobago, Argentina, and the Dominican Republic are among the favorite destinations of sex tourists from around the world.

According to information cited by the Congressional Research Service, Brazil has one of the largest child prostitution problems in the world. In Cuba, the regime, itself, sponsors a tourist industry which promotes the sexual exploitation of children. We have to do everything possible to end this human exploitation in our own hemisphere.

Article V of the Universal Declaration of Human Rights states, "No one shall be subject to torture or cruel, inhumane or degrading treatment or punishment." Mr. Smith's legislation takes these words and turns them into action, and I salute him once again.

Chairman HYDE. The question occurs on the amendment in the nature of a substitute. All in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed nay?

[No response.]

Chairman HYDE. The question occurs on the motion to report the bill favorably as amended by the amendment in the nature of a substitute. All in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed nay?

[No response.]

Chairman HYDE. The ayes have it, and the motion to report is favorably adopted.

Without objection, the staff is directed to make any technical and conforming changes.

I thank you all for your cooperation. The Committee is adjourned.

[Whereupon, at 11:35 a.m. the Committee was adjourned.]

